

Operations, Section 1: Applicability of Rule. Indiana Administrative Code Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 5: Miscellaneous Operations, Section 6: Fuel Grade Ethanol Production at Dry Mills. Approved by the Attorney General February 16, 2007. Approved by the Governor February 16, 2007. Filed with the Publisher February 20, 2007. Published on the Indiana Register Web site March 21, 2007, Document Identification Number (DIN): 20070321-IR-326050197FRA. Effective March 22, 2007.

[FR Doc. E7-17881 Filed 9-12-07; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 97

[EPA-R03-OAR-2007-0448; FRL-8465-6]

### Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Clean Air Interstate Rule

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve a revision to the West Virginia State Implementation Plan (SIP) submitted on June 8, 2007. This revision incorporates provisions related to the implementation of EPA's Clean Air Interstate Rule (CAIR), promulgated on May 12, 2005 and subsequently revised on April 28, 2006 and December 13, 2006, and the CAIR Federal Implementation Plan (CAIR FIP) concerning sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>) annual, and NO<sub>x</sub> ozone season emissions for the State of West Virginia, promulgated on April 28, 2006 and subsequently revised on December 13, 2006. In this direct final action, EPA is not making any changes to the CAIR FIP, but is amending the appropriate appendices in the CAIR FIP trading rules simply to note that approval. In accordance with the Clean Air Act, EPA is approving this West Virginia SIP revision as an abbreviated SIP revision which addresses the methodology to be used to allocate annual and ozone season NO<sub>x</sub> allowances under the CAIR FIPs.

**DATES:** This rule is effective on November 13, 2007 without further notice, unless EPA receives adverse written 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 Number EPA-R03-OAR-2007-0448 by one of the following methods:

A. Follow the on-line instructions for submitting comments.

B. E-mail: [powers.marilyn@epa.gov](mailto:powers.marilyn@epa.gov).

C. Mail: EPA-R03-OAR-2007-0448, Marilyn Powers, Acting Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. 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-R03-OAR-2007-0448. 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 [www.regulations.gov](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.

*Docket:* All documents in the electronic docket are listed in the [www.regulations.gov](http://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](http://www.regulations.gov) or in hard copy 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 West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Powers, (215) 814-2308 or by e-mail at [powers.marilyn@epa.gov](mailto:powers.marilyn@epa.gov).

### SUPPLEMENTARY INFORMATION:

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#### I. What Action is EPA Taking?

EPA is approving a revision to West Virginia's SIP, submitted on June 8, 2007 that will modify the application of certain provisions of the CAIR FIP concerning SO<sub>2</sub>, NO<sub>x</sub> annual and NO<sub>x</sub> ozone season emissions. As discussed below, this less comprehensive CAIR SIP is termed an abbreviated SIP. West Virginia is subject to the CAIR FIPs that implement the CAIR requirements by requiring certain EGUs to participate in the EPA-administered Federal CAIR SO<sub>2</sub>, NO<sub>x</sub> annual, and NO<sub>x</sub> ozone season cap-and-trade programs.

The West Virginia SIP revision provides a methodology for allocating NO<sub>x</sub> allowances for the NO<sub>x</sub> annual and NO<sub>x</sub> ozone season trading programs. The CAIR FIPs provide that this methodology, if approved as EPA is proposing, will be used to allocate NO<sub>x</sub> allowances to sources in West Virginia, instead of the federal allocation methodology otherwise provided in the FIP. EPA is not proposing to make any changes to the CAIR FIP, but is proposing, to the extent EPA approves West Virginia's SIP revision, to amend the appropriate appendices in the CAIR FIP trading rules simply to note that approval.

## II. What is the Regulatory History of CAIR and the CAIR FIPs?

CAIR was published by EPA on May 12, 2005 (70 FR 25162). In this rule, EPA determined that 28 States and the District of Columbia contribute significantly to nonattainment and/or interfere with maintenance of the national ambient air quality standards (NAAQS) for fine particles (PM<sub>2.5</sub>) and/or 8-hour ozone in downwind States in the eastern part of the country. As a result, EPA required those upwind States to revise their SIPs to include control measures that reduce emissions of SO<sub>2</sub>, which is a precursor to PM<sub>2.5</sub> formation, and/or NO<sub>x</sub>, which is a precursor to both ozone and PM<sub>2.5</sub> formation. For jurisdictions that contribute significantly to downwind PM<sub>2.5</sub> nonattainment, CAIR sets annual State-wide emission reduction requirements (i.e., budgets) for SO<sub>2</sub> and annual State-wide emission reduction requirements for NO<sub>x</sub>. Similarly, for jurisdictions that contribute significantly to 8-hour ozone nonattainment, CAIR sets State-wide emission reduction requirements for NO<sub>x</sub> for the ozone season (May 1 to September 30). Under CAIR, States may implement these emission budgets by participating in the EPA-administered cap-and-trade programs or by adopting control measures.

Section 110(a)(2)(D) of the Clean Air Act requires that States prohibit emissions that contribute significantly to nonattainment of, or interfere with, maintenance of the NAAQS in downwind States. CAIR explains to subject States what must be included in SIPs to address the requirements of section 110(a)(2)(D) of the Clean Air Act with regard to interstate transport with respect to the 8-hour ozone and PM<sub>2.5</sub> NAAQS. EPA made national findings, effective May 25, 2005, that the States had failed to submit SIPs meeting the requirements of section 110(a)(2)(D).

The SIPs were due in July 2000, 3 years after the promulgation of the 8-hour ozone and PM<sub>2.5</sub> NAAQS. These findings started a 2-year clock for EPA to promulgate a Federal Implementation Plan (FIP) to address the requirements of section 110(a)(2)(D). Under Clean Air Act section 110(c)(1), EPA may issue a FIP anytime after such findings are made and must do so within two years unless a SIP revision correcting the deficiency is approved by EPA before the FIP is promulgated.

On April 28, 2006, EPA promulgated FIPs for all States covered by CAIR in order to ensure the emissions reductions required by CAIR are achieved on schedule. Each CAIR State is subject to

the FIPs until the State fully adopts, and EPA approves, a SIP revision meeting the requirements of CAIR. The CAIR FIPs require certain EGUs to participate in the EPA-administered CAIR SO<sub>2</sub>, NO<sub>x</sub> annual, and NO<sub>x</sub> ozone-season model trading programs, as appropriate. The CAIR FIP SO<sub>2</sub>, NO<sub>x</sub> annual, and NO<sub>x</sub> ozone season trading programs impose essentially the same requirements as, and are integrated with, the respective CAIR SIP trading programs. The integration of the CAIR FIP and SIP trading programs means that these trading programs will work together to create effectively a single trading program for each regulated pollutant (SO<sub>2</sub>, NO<sub>x</sub> annual, and NO<sub>x</sub> ozone season) in all States covered by CAIR FIP or SIP trading program for that pollutant. The CAIR FIPs also allow States to submit abbreviated SIP revisions that, if approved by EPA, will automatically replace or supplement the corresponding CAIR FIP provisions (e.g., the methodology for allocating NO<sub>x</sub> allowances to sources in the state), while the CAIR FIP remains in place for all other provisions. The CAIR FIP trading rules include appendices in which EPA intends to list each State for which EPA approves an abbreviated SIP revision. The appendices will indicate which provisions of the CAIR FIP are automatically replaced or supplemented by each approved, abbreviated SIP.

On April 28, 2006, EPA published two CAIR-related final rules that added the States of Delaware and New Jersey to the list of States subject to CAIR for PM<sub>2.5</sub> and announced EPA's final decisions on reconsideration of five issues without making any substantive changes to the CAIR requirements.

## III. What are the General Requirements of CAIR and the CAIR FIPs?

CAIR establishes State-wide emission budgets for SO<sub>2</sub> and NO<sub>x</sub> and is to be implemented in two phases. The first phase of NO<sub>x</sub> reductions starts in 2009 and continues through 2014, while the first phase of SO<sub>2</sub> reductions starts in 2010 and continues through 2014. The second phase of reductions for both NO<sub>x</sub> and SO<sub>2</sub> starts in 2015 and continues thereafter. CAIR requires States to implement the budgets by either: (1) Requiring EGUs to participate in the EPA-administered cap-and-trade programs or, (2) adopting other control measures of the State's choosing and demonstrating that such control measures will result in compliance with the applicable State SO<sub>2</sub> and NO<sub>x</sub> budgets.

The May 12, 2005 and April 28, 2006 CAIR rules provide model rules that States must adopt (with certain limited

changes, if desired) if they want to participate in the EPA-administered trading programs. With two exceptions, only States that choose to meet the requirements of CAIR through methods that exclusively regulate EGUs are allowed to participate in the EPA-administered trading programs. One exception is for States that adopt the opt-in provisions of the model rules to allow non-EGUs individually to opt into the EPA-administered trading programs. The other exception is for States that include all non-EGUs from their NO<sub>x</sub> SIP Call<sup>1</sup> trading programs in their CAIR NO<sub>x</sub> ozone season trading programs.

## IV. What is an Abbreviated CAIR SIP Revision?

States have the flexibility to choose the type of control measures they will use to meet the requirements of CAIR. EPA anticipates that most States will choose to meet the CAIR requirements by selecting an option that requires EGUs to participate in the EPA-administered CAIR cap-and-trade programs. For such States, EPA has provided two approaches for submitting and obtaining approval for CAIR SIP revisions. States may submit full SIP revisions that adopt the model CAIR cap-and-trade rules. If approved, these SIP revisions will fully replace the CAIR FIPs. Alternatively, States may submit abbreviated SIP revisions. These SIP revisions will not replace the CAIR FIPs; however, the CAIR FIPs provide that, when approved, the provisions in these abbreviated SIP revisions will be used instead of or in conjunction with, as appropriate, the corresponding provisions of the CAIR FIPs (e.g., the NO<sub>x</sub> allowance allocation methodology).

A State submitting an abbreviated SIP revision may submit limited SIP revisions to tailor the CAIR FIP cap-and-trade programs to the state submitting the revision. Specifically, an abbreviated SIP revision may establish certain applicability and allowance allocation provisions that, as the CAIR FIPs provide, will be used instead of, or in conjunction with, the corresponding provisions in the CAIR FIP rules in that State. Specifically, the abbreviated SIP revisions may:

1. Include NO<sub>x</sub> SIP Call trading sources that are not EGUs under CAIR

<sup>1</sup> EPA promulgated the NO<sub>x</sub> SIP Call on October 27, 1998 (63 FR 57356) to address transported emissions of ozone in 22 States and the District of Columbia that significantly contributed to downwind nonattainment of the one-hour ozone standard. The NO<sub>x</sub> SIP Call trading program applied to large EGUs and large industrial units.

in the CAIR FIP NO<sub>x</sub> ozone season trading program;

2. Provide for allocation of NO<sub>x</sub> annual or ozone season allowances by the State, rather than the Administrator, and using a methodology chosen by the State;

3. Provide for allocation of NO<sub>x</sub> annual allowances from the compliance supplement pool (CSP) by the State, rather than by the Administrator, and using the State's choice of allowed alternative methodologies; or

4. Allow units that are not otherwise CAIR units to opt individually into the CAIR FIP cap-and-trade program under the opt-in provisions in the CAIR FIP rules.

With approval of an abbreviated SIP revision, the CAIR FIP remains in place, as tailored to sources in the State by that approved SIP revision. Abbreviated SIP revisions can be submitted in lieu of, or as part of, CAIR full SIP revisions. States may want to designate part of their full SIP as an abbreviated SIP for EPA to act on first when the timing of the State's submission might not provide EPA with sufficient time to approve the full SIP prior to the deadline for recording NO<sub>x</sub> allocations. This will help ensure that the elements of the trading programs where flexibility is allowed are implemented according to the State's decisions. Submission of an abbreviated SIP revision does not preclude future submission of a CAIR full SIP revision.

As discussed below, West Virginia is requesting approval of only one of the four provisions for which a State may request an abbreviated SIP. The State is requesting that its allocation of NO<sub>x</sub> annual and NO<sub>x</sub> ozone season allowances for EGUs under the CAIR FIP be used instead of the corresponding provisions of the CAIR FIPs in effect in the State.

## V. Analysis of West Virginia's Abbreviated CAIR SIP Submittal

On June 1, 2006, West Virginia submitted a full SIP revision to meet the requirements of CAIR as promulgated on May 12, 2005. The SIP revision is comprised of three regulations: 45CSR39, 45CSR40 and 45CSR41 for the NO<sub>x</sub> annual trading program, the NO<sub>x</sub> ozone season trading program, and the SO<sub>2</sub> annual trading program, respectively. The regulations adopted the part 96 model rules as set forth in the May 12, 2005 rulemaking, but, because revisions to part 96 were finalized after the State had started its rulemaking process, did not include the changes to the model rules that were made as part of the April 28, 2006 CAIR FIP. Consistent with the provisions of the CAIR FIP as discussed above, West

Virginia submitted a letter on June 8, 2007, requesting that portions of its June 1, 2006 SIP revision be considered as an abbreviated SIP revision. The June 8, 2007 letter designated the NO<sub>x</sub> allocation methodology provisions applicable to EGUs under the CAIR FIP and originally submitted as part of its June 1, 2006 CAIR SIP revision as replacing the corresponding provisions of the CAIR FIPs. Consistent with this request, EPA is treating the following provisions of West Virginia's CAIR rules as an abbreviated SIP revision: sections 45-39-40, 45-39-41, and 45-39-42; and sections 45-40-40, 45-40-41, and 45-40-42, except for paragraphs 40.3, 42.2.c, 42.2.d, 42.2.e, 42.3.a.2, and 42.4.b.

The NO<sub>x</sub> allowance allocation methodology in these provisions of West Virginia's June 1, 2006 SIP revision is consistent with the methodology in part 96 and the FIP, under which units that have operated for five years will receive allowances, based on heat input data from a three-year period adjusted for fuel type by using fuel factors of 1.0 for coal, 0.6 for oil, and 0.4 for other fuels. Based on this methodology, West Virginia determined NO<sub>x</sub> allocations for EGUs in the State under the CAIR FIP, and submitted its allocations to EPA on October 30, 2006.

West Virginia's abbreviated SIP revision does not affect the CAIR budgets, which are total amounts of allowances available for allocation for each year under the EPA-administered cap-and-trade programs under the CAIR FIPs. The abbreviated SIP revision only affects allocations of allowances under the established budgets. Information on how the budgets were developed may be found in the May 12, 2005 CAIR rulemaking (70 FR 25162).

EPA is today taking action only on this request for an abbreviated SIP revision and not the full CAIR SIP revision originally submitted, which will be the subject of a separate rulemaking action. In the June 8, 2007 letter, West Virginia states that it will revise and promulgate its CAIR rules 45CSR39, 45CSR40, and 45CSR41 to incorporate the revisions to part 96 and indicates that it plans to submit an amended CAIR SIP revision to EPA in 2008.

## VI. Final Action

EPA is approving West Virginia's abbreviated CAIR SIP revision submitted on June 8, 2007, as discussed above. West Virginia is subject to the CAIR FIPs, which require participation in the EPA-administered SO<sub>2</sub>, NO<sub>x</sub> annual, and NO<sub>x</sub> ozone season cap-and-trade programs. Under this abbreviated

SIP revision and, consistent with the flexibility given to States in the FIPs, West Virginia has adopted provisions for allocating allowances under the CAIR FIP NO<sub>x</sub> annual and ozone season trading programs. As provided for in the CAIR FIPs, these provisions in the abbreviated SIP revision will replace or supplement the corresponding provisions of the CAIR FIPs in West Virginia. The abbreviated SIP revision meets the applicable requirements in 40 CFR 51.123(p) and (ee), with regard to NO<sub>x</sub> annual and NO<sub>x</sub> ozone season emissions. In this final action, EPA is not making any changes to the CAIR FIP, but is amending the appropriate appendices in the CAIR FIP trading rules simply to note approval of West Virginia's abbreviated CAIR SIP.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on November 13, 2007 without further notice unless EPA receives adverse comment by October 15, 2007. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

## VII. Statutory and Executive Order Reviews

### A. General Requirements

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 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.

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 *et seq.*).

#### *B. Submission to Congress and the Comptroller General*

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**. This rule is not a “major rule” as defined by 5 U.S.C. 804(2).

#### *C. Petitions for Judicial Review*

Under section 307(b)(1) of the Clean Air Act, 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 to approve West Virginia’s abbreviated CAIR SIP revision may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### **List of Subjects**

##### *40 CFR Part 52*

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

##### *40 CFR Part 97*

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements.

Dated: August 30, 2007.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

■ 40 CFR parts 52 and 97 are amended as follows:

#### **PART 52—[AMENDED]**

■ 1. The authority citation for 40 CFR part 52 continues to read as follows:

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

#### **Subpart XX—West Virginia**

■ 2. In § 52.2520, the table in paragraph (c) is amended by adding entries for 45 CSR 39 and 40 at the end of the table. The table in paragraph (e) is amended by adding the entry for Article 3, Chapter 64 of the Code of West Virginia at the end of the table. The amendments read as follows:

#### **§ 52.2520 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

#### **EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP**

| State citation<br>[Chapter 16–20<br>or 45 CSR]                                                                                                       | Title/subject                                                              | State<br>effective<br>date | EPA approval date                                       | Additional explanation/<br>citation at 40 CFR<br>§ 52.2565 |
|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|----------------------------|---------------------------------------------------------|------------------------------------------------------------|
| *                                                                                                                                                    | *                                                                          | *                          | *                                                       | *                                                          |
| <b>[45 CSR] Series 39 Control of Annual Nitrogen Oxide Emissions to Mitigate Interstate Transport of Fine Particulate Matter and Nitrogen Oxides</b> |                                                                            |                            |                                                         |                                                            |
| Section 45–39–40 ....                                                                                                                                | CAIR NO <sub>x</sub> Annual Trading Budget .....                           | 5/1/06                     | 9/13/07 [Insert page number where the document begins]. | Only Phase I (2009–2014).                                  |
| Section 45–39–41 ....                                                                                                                                | Timing Requirements for CAIR NO <sub>x</sub> Annual Allowance Allocations. | 5/1/06                     | 9/13/07 [Insert page number where the document begins]. | Only Phase I (2009–2014).                                  |

## EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP—Continued

| State citation<br>[Chapter 16–20<br>or 45 CSR]                                                                                           | Title/subject                                                                       | State<br>effective<br>date | EPA approval date                                             | Additional explanation/<br>citation at 40 CFR<br>§ 52.2565                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|----------------------------|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| Section 45–39–42 ....                                                                                                                    | CAIR NO <sub>x</sub> Annual Allowance Allocations .....                             | 5/1/06                     | 9/13/07 [Insert page<br>number where the<br>document begins]. | Only for Phase I (2009–2014).                                                                              |
| <b>[45 CSR] Series 40 Control of Ozone Season Nitrogen Oxide Emissions to Mitigate Interstate Transport of Ozone and Nitrogen Oxides</b> |                                                                                     |                            |                                                               |                                                                                                            |
| Section 45–40–40 ....                                                                                                                    | CAIR NO <sub>x</sub> Ozone Season Trading Budget ...                                | 5/1/06                     | 9/13/07 [Insert page<br>number where the<br>document begins]. | 1. Except for subsection 40.3,<br>and non-EGUs in subsection<br>40.1 table 2. Only Phase I<br>(2009–2014). |
| Section 45–40–41 ....                                                                                                                    | Timing Requirements for CAIR NO <sub>x</sub> Ozone<br>Season Allowance Allocations. | 5/1/06                     | 9/13/07 [Insert page<br>number where the<br>document begins]. | Only Phase I (2009–2014).                                                                                  |
| Section 45–40–42 ....                                                                                                                    | CAIR NO <sub>x</sub> Ozone Season Allowance Alloca-<br>tions.                       | 5/1/06                     | 9/13/07 [Insert page<br>number where the<br>document begins]. | 1. Except for subsections 42.2.d,<br>42.2.e, 42.3.a.2, and 42.4.b. 2.<br>Only Phase I (2009–2014).         |

\* \* \* \* \*

(e) \* \* \*

| Name of non-regulatory SIP revision                       | Applicable<br>geographic<br>area | State<br>submittal<br>date | EPA approval date                                               | Additional explanation               |
|-----------------------------------------------------------|----------------------------------|----------------------------|-----------------------------------------------------------------|--------------------------------------|
| * * * * *                                                 |                                  |                            |                                                                 |                                      |
| Article 3, Chapter 64 of the Code of West Virginia, 1931. | Statewide .....                  | 5/1/06                     | 9/13/07 [Insert page num-<br>ber where the document<br>begins]. | Effective date of March 11,<br>2006. |

**PART 97—[AMENDED]**

■ 3. The authority citation for 40 CFR part 97 continues to read as follows:

**Authority:** 42 U.S.C. 7401, 7403, 7410, 7426, 7601, and 7651, *et seq.*

■ 4. Appendix A to Subpart EE is amended by adding the entry for “West Virginia” in alphabetical order under paragraph 1 to read as follows:

**Appendix A to Subpart EE of Part 97—States With Approved State Implementation Plan Revisions Concerning Allocations**

1. \* \* \*

West Virginia (for control periods 2009–2014)

\* \* \* \* \*

■ 5. Appendix A to Subpart EEEE is amended by adding the entry for West Virginia in alphabetical order under paragraph 1 to read as follows:

**Appendix A to Subpart EEEE of Part 97—States With Approved State Implementation Plan Revisions Concerning Allocations**

\* \* \* \* \*

West Virginia (for control periods 2009–2014)

\* \* \* \* \*

[FR Doc. E7–17874 Filed 9–12–07; 8:45 am]

**BILLING CODE 6560–50–P**

**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

**48 CFR Parts 211, 245, and 252**

**RIN 0750–AF24**

**Defense Federal Acquisition Regulation Supplement; Reports of Government Property (DFARS Case 2005–D015)**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Interim rule with request for comments.

**SUMMARY:** DoD has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to revise requirements for reporting of Government property in the possession of DoD contractors. The rule replaces existing DD Form 1662 reporting requirements with requirements for DoD contractors to electronically submit, to the Item Unique Identification (IUID) Registry, the IUID data applicable to the Government property in the contractor’s possession. This will result in more efficient and accurate reporting of

Government property in the possession of contractors.

**DATES:** *Effective date:* September 13, 2007.

*Comment date:* Comments on the interim rule should be submitted to the address shown below on or before November 13, 2007, to be considered in the formation of the final rule.

**ADDRESSES:** You may submit comments, identified by DFARS Case 2005–D015, using any of the following methods:

○ *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

○ *E-mail:* [dfars@osd.mil](mailto:dfars@osd.mil). Include DFARS Case 2005–D015 in the subject line of the message.

○ *Fax:* (703) 602–7887.

○ *Mail:* Defense Acquisition Regulations System, Attn: Mr. Michael Benavides, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062.

○ *Hand Delivery/Courier:* Defense Acquisition Regulations System, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided.