

Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 9, 2008.

John B. Askew,

Regional Administrator, Region 7.

■ 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 AA—Missouri**

■ 2. In § 52.1320 the table in paragraph (c) is amended under Chapter 6 by

#### **EPA-APPROVED MISSOURI REGULATIONS**

revising the entry for 10–6.260 to read as follows:

#### **§ 52.1320 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

Missouri citation	Title	State effective date	EPA approval date	Explanation
<b>Missouri Department of Natural Resources</b>				
* * *	* * *	* * *	* * *	* * *
<b>Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri</b>				
* * *	* * *	* * *	* * *	* * *
10–6.260 .....	Restriction of Emission of Sulfur Compounds.	2/29/08	6/20/08 [insert FR page number where the document begins].	Section (3)(B) is not SIP approved.
* * *	* * *	* * *	* * *	* * *

\* \* \*

[FR Doc. E8–13838 Filed 6–19–08; 8:45 am]

BILLING CODE 6560–50–P

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[EPA–R07–OAR–2008–0392; FRL–8581–9]

### **Approval and Promulgation of Implementation Plans; State of Missouri**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the state of Missouri to amend the Missouri SIP to include revisions to the Kansas City Solvent Metal Cleaning rule. The revisions to this rule include consolidating exemptions in the applicability section, adding new exemptions, adding definitions of new and previously undefined terms, and clarifying rule language regarding operating procedure requirements for spray gun cleaners and air-tight and airless cleaning systems. This revision will ensure consistency between the state and the Federally-approved rules.

**DATES:** This direct final rule will be effective August 19, 2008, without further notice, unless EPA receives adverse comment by July 21, 2008. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R07–OAR–2008–0392, by one of the following methods:

1. *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
2. *E-mail:* [algie-eakin.amy@epa.gov](mailto:algie-eakin.amy@epa.gov).
3. *Mail or Hand Delivery:* Amy Algie-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

**Instructions:** Direct your comments to Docket ID No. EPA–R07–OAR–2008–0392. 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 through *http://*

*www.regulations.gov* or e-mail information that you consider to be CBI or otherwise protected. 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.

**Docket:** All documents in the electronic docket are listed in the *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 <http://www.regulations.gov> or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. The Regional Office's official hours of business are Monday through Friday, 8 to 4:30 excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:**

Amy Algoe-Eakin at (913) 551-7942, or by e-mail at [algoe-eakin.amy@epa.gov](mailto:algoe-eakin.amy@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This section provides additional information by addressing the following questions:

What is a SIP?

What is the Federal approval process for a SIP?

What does Federal approval of a state regulation mean to me?

What is being addressed in this document?

Have the requirements for approval of a SIP revision been met?

What action is EPA taking?

**What is a SIP?**

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to us for approval and incorporation into the federally-enforceable SIP.

Each federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

**What is the Federal approval process for a SIP?**

In order for state regulations to be incorporated into the federally-enforceable SIP, states must formally adopt the regulations and control

strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 110 of the CAA are incorporated into the Federally-approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, Part 52, entitled "Approval and Promulgation of Implementation Plans." The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are "incorporated by reference," which means that we have approved a given state regulation with a specific effective date.

**What does Federal approval of a state regulation mean to me?**

Enforcement of the state regulation before and after it is incorporated into the Federally-approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in section 304 of the CAA.

**What is being addressed in this document?**

On March 21, 2008, Missouri requested that EPA approve a revision to the SIP to include changes to Missouri rule 10 CSR 10-2.210, Control of Emissions From Solvent Metal Cleaning. This rule specifies equipment, operating procedures, and training requirements for the reduction of volatile organic compound (VOC) emissions from solvent metal cleaning operations in the Kansas City, Missouri, metropolitan area. Generally, the revisions to this rule include: (1) Consolidating exemptions in the applicability section, (2) adding new exemptions, (3) adding definitions of new and previously undefined terms, and (4) clarifying rule language regarding operating procedure requirements for spray gun cleaners and air-tight and airless cleaning systems.

This rule was included in the reasonably available control technology (RACT) measures for the Kansas City area approved by EPA in the **Federal Register** on April 9, 1980, and effective the same date. The RACT rules were put into place to meet the nonattainment area (Part D) requirements of the CAA, and to help attain the National Ambient Air Quality Standards for ozone in the Kansas City area.

The revisions to the applicability section include revisions to subsection (1)(C), which describes the processes which use nonaqueous solvents to clean and remove soils from metal parts which are subject to this rule, and subsection (1)(D), which lists the solvents which are exempt from this rule. Subsection (1)(D) consolidates existing exemptions into one section and adds three new exemptions. The first new exemption is the exemption of solvent metal cleaning operations which are regulated under 40 CFR Part 63, Subpart T, the National Emission Standard for Hazardous Air Pollutants (NESHAP) for Halogenated Solvent Cleaning which Missouri has incorporated by reference in 10 CSR 10-2.210. The Missouri Department of Natural Resources' Air Pollution Control Program (MDNR/APCP) states that the solvents used in this practice are required to comply with the NESHAP for Halogenated Solvent Cleaning and states that in general the NESHAP for Halogenated Solvent Cleaning work practices, solvent loss limits, equipment specifications, and solvent recordkeeping/reporting requirements exceed the requirements in the existing Missouri solvent metal cleaning rule. Based on review of Missouri's analysis, we believe Missouri can exempt this source category from the RACT rule because the NESHAP incorporated into 10 CSR 10-2.210 is at least as stringent, and sources must comply with this NESHAP in order to qualify for exemption from the Missouri RACT rule.

The second and third new exemptions added were for flush cleaning operations and hand cleaning/wiping operations. These exemptions were also added because industry conducting these activities are already regulated by Federal standards in 40 CFR Part 63, Subpart GG, the NESHAP for Aerospace Manufacturing and Rework Facilities and by Missouri Rule 10 CSR 10-2.215, Control of Emissions From Solvent Cleanup Operations. Based on the review of the analyses provided by the state to justify the rule, we believe that revision of this rule to exempt these source categories because the NESHAP which has also been adopted by

Missouri in 10 CSR 10–6.075 and existing state rule, 10 CSR 10–2.215, are at least as stringent and sources must comply with both state rules in order to be exempt from the RACT rule.

The MDNR/APCP also added several new definitions. These definitions include: (2)(E) Flush cleaning, (2)(I) hand cleaning/wiping operation, (2)(J) institutional cleaning, (2)(K) janitorial cleaning, (2)(M) nonaqueous solvent, (2)(N) optical device, (2)(O) soils, and (2)(P) spray gun cleaner. These definitions were added to provide clarity to the rule, and Missouri has provided an analysis showing that this revision will not cause an increase in emissions.

The MDNR/APCP also reorganized the General Provisions section. Specifically subsection (3)(A) of the rule was reorganized into subparagraphs for cold cleaners, open-top vapor degreasers, conveyORIZED degreasers, and air-tight or airless cleaning systems. Subsection (3)(B) outlines operating procedures for the four operations mentioned above. The spray gun cleaner, subparagraph (3)(B)4., and the air-tight and airless cleaning systems, subparagraph (3)(B)5., were added to provide more clarity to the rule's application for these two operations. Subsection (3)(C) was revised to add clarifying language to the operator and supervisor training portion of this rule, and subsection (4)(A), reporting and record keeping language, was revised to require the records to be kept current and made available for review on a monthly basis.

Missouri has prepared documentation which demonstrates that these rule revisions will not negatively impact air quality in the Kansas City area. The demonstration consists of (1) an explanation of the rationale for the revisions to the rule's format, and (2) an evaluation of the revisions to the applicability section, definitions section, general provisions section, the reporting and record keeping section, and test methods section. The reformatting of the rule makes this rule consistent with the general format of Missouri air rules.

The rule reformatting does not change any requirements and, therefore, does not impact emissions. As explained above, the additional exemptions in the rule do not significantly change the emissions limits to which the affected sources are subject. In addition, these rules, as revised, continue to require emissions reductions previously determined by EPA to represent RACT.

#### **Have the requirements for approval of a SIP revision been met?**

The submittal satisfied the completeness criteria of 40 CFR Part 51, Appendix V. In addition, the state submittal has met the public notice requirements for SIP submission in accordance with 40 CFR 51.102 and met the substantive SIP requirements of the CAA including section 110.

#### **What action is EPA taking?**

We are approving the request to amend the Missouri SIP to include revisions to the Kansas City solvent metal cleaning rule, 10 CSR 10–2.210, Control of Emissions From Solvent Metal Cleaning.

We are processing this action as a direct final action because the revisions make routine changes to the existing rules which are noncontroversial and make regulatory revisions, required by state statute. Therefore, we do not anticipate any adverse comments. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment.

#### **Statutory and Executive Order Reviews**

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*);
- 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);
- Does not have Federalism implications as specified in Executive

Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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 action 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 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 August 19, 2008. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 9, 2008.

**John B. Askew,**  
*Regional Administrator, Region 7.*

■ 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 AA—Missouri**

■ 2. In § 52.1320(c) the table is amended under Chapter 2 by revising the entry for 10–2.210 to read as follows:

**§ 52.1320 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

**EPA-APPROVED MISSOURI REGULATIONS**

Missouri citation	Title	State effective date	EPA approval date	Explanation
<b>Missouri Department of Natural Resources</b>				
<b>Chapter 2—Air Quality Standards and Air Pollution Control Regulations for the Kansas City Metropolitan Area</b>				
* * * * *				
10–2.210	Control of Emissions From Solvent Metal Cleaning.	02/29/08	06/20/08	[insert FR page number where the document begins].
* * * * *				

\* \* \* \* \*

[FR Doc. E8–13755 Filed 6–19–08; 8:45 am]

**BILLING CODE 6560–50–P**

**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****44 CFR Part 65**

[Docket No. FEMA–B–7788]

**Changes in Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

**DATES:** These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Mitigation Assistant Administrator of

FEMA reconsider the changes. The modified BFEs may be changed during the 90-day period.

**ADDRESSES:** The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** William R. Blanton, Jr., Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151.

**SUPPLEMENTARY INFORMATION:** The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being

already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by the other Federal, State, or regional entities. The changed BFEs are in accordance with 44 CFR 65.4.

**National Environmental Policy Act.** This interim rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

**Regulatory Flexibility Act.** As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

**Regulatory Classification.** This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

**Executive Order 13132, Federalism.** This interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.