

**DATES:** Effective July 21, 2007 at 11 a.m. to July 24, 2007 at 11:59 p.m.

**FOR FURTHER INFORMATION CONTACT:** Mr. Frank Jennings, Jr., Enforcement Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, OH at (216) 902-6095.

**SUPPLEMENTARY INFORMATION:** We are publishing this document to provide notice that under the provisions of 33 CFR 100.901, the Port Huron to Mackinac Race Special Local Regulations will be enforced from 11 a.m. on July 21, 2007 to 11:59 p.m. on July 24, 2007. The Special Local Regulations apply to the waters of the Black River, St. Clair River and lower Lake Huron from:

Latitude	Longitude
42[deg]58.8[min] N ....	082[deg]26[min] W, to
42[deg]58.4[min] N ....	082[deg]24.8[min] W, thence
northward along the International Boundary to	
43[deg]02.8[min] N ....	082[deg]23.8[min] W, to
43[deg]02.8[min] N .... 082[deg]26.8[min] W, thence	
southward along the U.S. shoreline to	
42[deg]58.9[min] N ....	082[deg]26[min] W, thence to
42[deg]58.8[min] N ....	082[deg] 26[min] W.

In order to ensure the safety of spectators and participating vessels, the Special Local Regulations will be enforced for the duration of the event. The Coast Guard will patrol the race area under the direction of a designated Coast Guard Patrol Commander. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer. The Patrol Commander may be contacted on Channel 16 (156.8 MHz) by the call sign "Coast Guard Patrol Commander." Vessels not participating in the race shall not make a wake nor endanger participants in the event or any other craft. Vessels participating in the race and patrol craft may create a wake but shall not endanger other vessels and are not required to check-in nor out with the Patrol Commander while participating in the race.

In the event these Special Local Regulations affect shipping, commercial vessels may request permission from the Patrol Commander to transit the area of the event by hailing call sign "Coast Guard Patrol Commander" on Channel 16 (156.8 MHz).

Dated: June 22, 2007.

**John E. Crowley, Jr.,**  
Rear Admiral, U.S. Coast Guard, Commander,  
Ninth Coast Guard District.  
[FR Doc. E7-13020 Filed 7-3-07; 8:45 am]

**BILLING CODE 4910-15-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA-R05-OAR-2006-0046; EPA-R05-OAR-2006-0891; EPA-R05-OAR-2006-0892; FRL-8335-6]**

### Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Correction

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

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** This document corrects an error in the final rule pertaining to the Motor Vehicle Emissions Budgets (MVEBs) for Washington County (Parkersburg-Marietta, WV-OH), Jefferson County, (Steubenville-Weirton, WV-OH), Belmont County (Wheeling, WV-OH), Stark County (Canton, OH) and Allen County (Lima, OH). The Environmental Protection Agency (EPA) proposed MVEBs for 2009 and 2018 for each of these Ohio counties. In the final approvals for the redesignation of these areas to attainment of the 8-hour ozone standard, EPA provide the 2018 MVEBs for each county but inadvertently omitted the 2009 interim MVEBs that were discussed in the proposed rules. This technical correction to these final rules provides the 2009 MVEBs.

**EFFECTIVE DATE:** This final rule is effective on July 5, 2007.

**FOR FURTHER INFORMATION CONTACT:** Steve Marquardt, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-3214, [marquardt.steve@epa.gov](mailto:marquardt.steve@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA published four notices of final rulemaking to redesignate Washington County (Parkersburg-Marietta, WV-OH), Jefferson County, (Steubenville-Weirton, WV-OH), Belmont County (Wheeling, WV-OH), Stark County (Canton, OH) and Allen County (Lima, OH) areas to attainment for the 8-hour ozone standard. For each of these counties EPA had proposed approval of the 2009

and 2018 MVEBs. In each of the final rulemaking notices, EPA omitted the 2009 MVEBs from the final rules. This is a correction to add these 2009 MVEBs.

### Correction

For Allen County, and Stark County, Ohio, in the final rule published in the **Federal Register** on May 16, 2007 (70 FR 27647), on page 27649 in the first column, first paragraph: "In addition, and supported by and consistent with the ozone maintenance plan, EPA is approving the 2018 VOC and NO<sub>x</sub> MVEBs for each county for transportation conformity purposes. The 2018 motor vehicle \* \* \*" is corrected to read: "In addition, and supported by and consistent with the ozone maintenance plan, EPA is approving the 2009 and 2018 VOC and NO<sub>x</sub> MVEBs for each county for transportation conformity purposes. The 2009 MVEB for Allen County, Ohio are 5.08 tons per day of VOC and 8.28 tons per day of NO<sub>x</sub>. The 2018 MVEBs for Allen County are 2.89 tons per day VOC and 3.47 tons per day of NO<sub>x</sub>. For Stark County, Ohio, the 2009 MVEB area 10.02 tons per day of VOC and 18.03 tons per day of NO<sub>x</sub> and the 2018 MVEBs are 5.37 tons per day of VOC and 7.08 tons per day of NO<sub>x</sub>.

For Belmont County, Ohio, in the final rule published in the **Federal Register** on May 16, 2007 (70 FR 27644), on page 27645 in the first column, first paragraph: "In addition, and supported by and consistent with the ozone maintenance plan, EPA is approving the 2018 VOC and NO<sub>x</sub> MVEBs for transportation conformity purposes. The 2018 MVEBs \* \* \*" is corrected to read: "In addition, and supported by and consistent with the ozone maintenance plan, EPA is approving the 2009 and 2018 VOC and NO<sub>x</sub> MVEBs for transportation conformity purposes. For Belmont County, Ohio, the 2009 MVEBs are 2.60 tons per day of VOC and 2.22 tons per day of NO<sub>x</sub> and the 2018 MVEBs are 1.52 tons per day of VOC and 1.91 tons per day of NO<sub>x</sub>. West Virginia develops MVEBs for its portion of the area."

For Jefferson County, Ohio, in the final rule published in the **Federal Register** on May 16, 2007 (70 FR 27640), on page 27641 in the first column, first paragraph: "In addition, and supported by and consistent with the ozone maintenance plan, EPA is approving the 2018 volatile organic compound (VOC) and oxides of nitrogen (NO<sub>x</sub>) MVEBs for Jefferson County for transportation conformity purposes. The 2018 MVEBs \* \* \*" is corrected to read: "In addition, and supported by and

consistent with the ozone maintenance plan, EPA is approving the 2009 and 2018 volatile organic compound (VOC) and oxides of nitrogen (NO<sub>x</sub>) MVEBs for Jefferson County for transportation conformity purposes. The 2009 MVEBs are 2.63 tons per day of VOC and 4.10 tons per day of NO<sub>x</sub> and the 2018 MVEBs are 1.37 tons per day of VOC and 1.67 tons per day of NO<sub>x</sub>.”

For Washington County, Ohio, in the final rule published in the **Federal Register** on May 16, 2007 (70 FR 27652), on page 27653 in the first column, first paragraph: “In addition, and supported by and consistent with the ozone maintenance plan, EPA is approving the 2018 volatile organic compound (VOC) and oxides of nitrogen (NO<sub>x</sub>) MVEBs for Washington County for transportation conformity purposes. The 2018 MVEBs \* \* \*” is corrected to read: “In addition, and supported by and consistent with the ozone maintenance plan, EPA is approving the 2009 and 2018 volatile organic compound (VOC) and oxides of nitrogen (NO<sub>x</sub>) MVEBs for Washington County for transportation conformity purposes. The 2009 MVEBs are 2.59 tons per day of VOC and 3.58 tons per day of NO<sub>x</sub> and the 2018 MVEBs are 1.67 tons per day of VOC and 1.76 tons per day of NO<sub>x</sub>. West Virginia develops MVEBs for its portion of the area.”

EPA is also making changes to 40 CFR 52.1885(ff) in order to include the 2009 MVEBs for the Ohio Counties.

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 we are merely correcting an omission 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 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 is not economically significant.

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 July 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**. This correction to 40 CFR part 52 for Ohio is not a “major rule” as defined by 5 U.S.C. 804(2).

Dated: June 25, 2007.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

■ Parts 52, chapter I, title 40 of the Code of Federal Regulations 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 KK—Ohio

■ 2. Section 52.1885 is amended by revising paragraphs (ff) introductory text and (ff)(1) through (4) to read as follows:

#### § 52.1885 Control strategy: Ozone.

\* \* \* \* \*

(ff) Approval—The 8-hour ozone maintenance plans for the following areas have been approved:

(1) Jefferson County, as submitted on July 31, 2006 and supplemented on October 3, 2006. The maintenance plan establishes 2009 motor vehicle emissions budgets (MVEBs) for Jefferson County of 2.63 tons per day (tpd) of volatile organic compounds (VOCs) and 4.10 tpd of oxides of nitrogen (NO<sub>x</sub>), and 2018 motor vehicle emission budgets of 1.37 tpd of VOCs and 1.67 tpd of NO<sub>x</sub>.

(2) Belmont County, as submitted on June 20, 2006, and supplemented on August 24, 2006, and December 4, 2006. The maintenance plan establishes 2009 MVEBs for Belmont County of 2.60 tpd of VOCs and 2.22 tpd of NO<sub>x</sub> and 2018

MVEBs of 1.52 tpd of VOCs and 1.91 tpd of NO<sub>x</sub>.

(3) Allen County and Stark County, as submitted on June 20, 2006, and supplemented on August 24, 2006, and December 4, 2006. The maintenance plan establishes 2009 MVEBs for Allen County of 5.08 tpd of VOCs and 8.28 tpd of NO<sub>x</sub>, and 2018 MVEBs for Allen County of 2.89 tpd of VOCs and 3.47 tpd of NO<sub>x</sub>. For Stark County the 2009 MVEBs are 10.02 tpd of VOCs and 18.03 tpd of NO<sub>x</sub>, and the 2018 budgets are 5.37 tpd of VOC and 7.08 tpd of NO<sub>x</sub>.

(4) Washington County, as submitted on September 22, 2006, and supplemented on November 17, 2006. The maintenance plan establishes 2009 MVEBs for Washington County of 2.59 tpd of VOCs and 3.58 tpd of NO<sub>x</sub>, and 2018 MVEBs for Washington county of 1.67 tpd of VOCs and 1.76 tpd of NO<sub>x</sub>.

[FR Doc. E7-13000 Filed 7-3-07; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-RO4-OAR-2006-0584-200723; FRL-8335-4]

#### Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky: Redesignation of the Kentucky Portion of the Louisville 8-Hour Ozone Nonattainment Area to Attainment for Ozone

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a request, submitted on September 29, 2006, from the Commonwealth of Kentucky (Kentucky), through the Kentucky Division for Air Quality (KDAQ), to redesignate the Kentucky portion of the bi-State Louisville 8-hour ozone nonattainment area to attainment for the 8-hour National Ambient Air Quality Standard (NAAQS). The Kentucky portion of the bi-State Louisville 8-hour ozone nonattainment area (hereafter referred to as the "Kentucky State Louisville Area") is comprised of three Kentucky Counties—Bullitt, Jefferson and Oldham. The Indiana portion of the bi-State Louisville 8-hour ozone nonattainment area is comprised of two Indiana Counties—Clark and Floyd. EPA's approval of Kentucky's redesignation request is based upon the determination that Kentucky has demonstrated that the Kentucky State Louisville Area has met the criteria for

redesignation to attainment specified in the Clean Air Act (CAA), including the determination that the entire (both the Kentucky and Indiana portions) bi-State Louisville 8-hour ozone nonattainment area has attained the 8-hour ozone standard. Additionally, EPA is approving the 8-hour ozone maintenance plan for the Kentucky State Louisville Area, including the regional motor vehicle emission budgets (MVEBs) for nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs) which cover the Kentucky and Indiana portions of this bi-State area. In July and September 2006, Indiana submitted a redesignation request and maintenance plan for the Indiana portion of this 8-hour ozone area with identical MVEBs to those reflected in Kentucky's maintenance plan. EPA is taking action on that redesignation request and maintenance plan in a separate action. This final rule also addresses a comment made on EPA's proposed rulemaking for this action, previously published April 27, 2007 (72 FR 20966).

**EFFECTIVE DATE:** This rule will be effective August 6, 2007.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-RO4-OAR-2006-0584. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information 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 [www.regulations.gov](http://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, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Ms. LeSane can be reached via telephone

number at (404) 562-9074 or electronic mail at [LeSane.Heidi@epa.gov](mailto:LeSane.Heidi@epa.gov).

#### SUPPLEMENTARY INFORMATION:

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#### I. What Is the Background for the Actions?

On September 29, 2006, Kentucky, through the KDAQ, submitted a request to redesignate the Kentucky bi-State Louisville Area to attainment for the 8-hour ozone standard, and for EPA approval of the Kentucky State Implementation Plan (SIP) revision containing a maintenance plan for the Kentucky State Louisville Area. In an action published on April 27, 2007 (72 FR 20966), EPA proposed to approve the redesignation of the Kentucky State Louisville Area to attainment. EPA also proposed approval of Kentucky's plan for maintaining the 8-hour NAAQS as a SIP revision, and proposed to approve the regional MVEBs for the Kentucky bi-State Louisville Area that were contained in the maintenance plan. This rule is EPA's final action on the April 27, 2007, proposed rule.

During the comment period for EPA's proposal, one commenter submitted an adverse comment. EPA is addressing that comment in this action, and is taking final action as described in Section II and Section V of this rulemaking.

EPA is also providing information on the status of the Agency's transportation conformity adequacy determination for the new regional MVEBs for the years 2003 and 2020 that are contained in the maintenance plan for the Kentucky bi-State Louisville Area. These MVEBs are identical to those reflected in Indiana's maintenance plan for this bi-State area. The maintenance plans establish the following regional MVEBs for the Kentucky bi-State Louisville Area.

#### KENTUCKY BI-STATE LOUISVILLE 8-HOUR OZONE MVEBS [Tons per day]

	2003	2020
VOC .....	40.97	22.92
NO <sub>x</sub> .....	95.51	29.46

EPA's adequacy public comment period on these budgets (as contained in Kentucky's submittal) began on April 27, 2007, and closed on May 29, 2007.