

*Congressional Review Act*

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 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 December 26, 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, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping

requirements, Sulfur oxides, Volatile organic compounds.

Dated: October 11, 2007.

**Walter W. Kovalick Jr.**,  
*Acting Regional Administrator, Region 5.*

■ 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 X—Michigan**

■ 2. In § 52.1170, the table in paragraph (c) entitled "EPA-Approved Michigan Regulations" is amended by adding entries in part 6 for "R 336.1660" and "R 336.1661" to read as follows:

**§ 52.1170 Identification of plan.**

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

**EPA-APPROVED MICHIGAN REGULATIONS**

Michigan citation	Title	State effective date	EPA approval date	Comments
* * *	* * *	* * *	* * *	* * *
<b>Part 6. Emission Limitations and Prohibitions—Existing Sources of Volatile Organic Compound Emissions</b>				
* * *	* * *	* * *	* * *	* * *
R 336.1660 .....	Standards for Volatile Organic Compounds Emissions from Consumer Products.	1/29/07	10/26/07 [Insert page number where the document begins].	
R 336.1661 .....	Definitions for Consumer Products.	1/29/07	10/26/07 [Insert page number where the document begins].	
* * *	* * *	* * *	* * *	* * *

\* \* \* \* \*  
[FR Doc. E7-20948 Filed 10-25-07; 8:45 am]  
**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R05-OAR-2007-0631; FRL-8486-4]

**Approval and Promulgation of Implementation Plans; Michigan; Recordkeeping and Reporting Requirements for Abnormal Conditions**

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving Michigan's June 29, 2007, request to revise recordkeeping and reporting requirements for abnormal conditions,

start-up, shutdown, and malfunction of a source, process, or process equipment. The revised rule contains more specific and complete recordkeeping and reporting requirements than are currently approved into the Michigan State Implementation Plan (SIP). In the proposed rules section of this **Federal Register**, EPA is proposing approval of and soliciting public comment on this requested SIP revision. If adverse comments are received on this action, EPA will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time.

**DATES:** This direct final rule will be effective December 26, 2007, unless EPA receives adverse comments by November 26, 2007. If adverse comments are 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-R05-OAR-2007-0631, by one of the following methods:

1. <http://www.regulations.gov>: Follow the online instructions for submitting comments.
2. *E-mail:* [mooney.john@epa.gov](mailto:mooney.john@epa.gov).
3. *Fax:* (312) 886-5824.
4. *Mail:* John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR 18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR 18J), U.S.

Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

**Instructions:** Direct your comments to Docket ID No. EPA-R05-OAR-2007-0631. 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](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 [www.regulations.gov](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 [www.regulations.gov](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 docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. We

recommend that you telephone Kathleen D'Agostino, Environmental Engineer, at (312) 886-1767 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Kathleen D'Agostino, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-1767, [dagostino.kathleen@epa.gov](mailto:dagostino.kathleen@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the following, whenever "we," "us," or "our" are used, we mean the United States Environmental Protection Agency.

#### Table of Contents

- I. What Has Michigan Submitted?
- II. What Action is EPA Taking?
- III. Statutory and Executive Order Review

#### I. What Has Michigan Submitted?

On June 29, 2007, the Michigan Department of Environmental Quality (MDEQ) submitted a revision to the Michigan SIP. The submittal revises recordkeeping and reporting requirements for abnormal conditions, start-up, shutdown, and malfunction of a source, process, or process equipment contained in R 336.1912 of the Michigan Administrative Code. The revised rule contains more specific and complete recordkeeping and reporting requirements than are currently approved into the SIP.

The rule requires the owner or operator of a source to:

1. Operate in a manner consistent with good air pollution control practices for minimizing emissions during periods of abnormal conditions, start-up, shutdown, and malfunctions;
2. Provide notice of an abnormal condition, start-up, shutdown, or malfunction that results in the emission of a hazardous air pollutant or toxic air contaminant in excess of an emission standard which continues for more than one hour;
3. Provide notice and a written report of an abnormal condition, start-up, shutdown, or malfunction that results in emissions of any air contaminant continuing for more than two hours in excess of a standard or limitation;
4. Certify the truth, accuracy, and completeness of written reports; and
5. Incorporate into a preventative maintenance and malfunction abatement plan actions taken to correct and to prevent a reoccurrence of an abnormal condition or malfunction.

Notices, which can be by any reasonable means, including electronic, telephonic, or oral communication, are required to be submitted to the MDEQ

no later than two business days after the start-up or shutdown or after discovery of the abnormal conditions or malfunction. Written reports are required to be submitted to the MDEQ within ten days after the start-up or shutdown occurred, within ten days after the abnormal conditions or malfunction has been corrected, or within thirty days of discovery of the abnormal conditions or malfunction, whichever is first.

Written reports must include the time and date, probable causes and duration of the abnormal conditions, start-up, shutdown, or malfunction; identification of the source, process, or process equipment involved; the type and, where possible, quantity or magnitude of the excess emissions; and information describing the measures taken and air pollution control practices followed to minimize emissions. For abnormal conditions and malfunctions, the report must also include a summary of the actions taken to correct and to prevent a reoccurrence of the abnormal conditions or malfunction and the time taken to correct the malfunction.

#### II. What Action Is EPA Taking?

EPA is approving R 336.1912 as a revision to the Michigan SIP. We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective December 26, 2007 without further notice unless we receive relevant adverse written comments by November 26, 2007. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If we do not receive any comments, this action will be effective December 26, 2007.

#### III. Statutory and Executive Order Review

##### *Executive Order 12866: Regulatory Planning and Review*

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.

*Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use*

Because it is not a “significant regulatory action” under Executive Order 12866 or a “significant energy action,” 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).

*Regulatory Flexibility Act*

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.).

*Unfunded Mandates Reform Act*

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).

*Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

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 (59 FR 22951, November 9, 2000).

*Executive Order 13132: Federalism*

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 Clean Air Act.

*Executive Order 13045: Protection of Children From Environmental Health and Safety Risks*

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.

*National Technology Transfer Advancement Act*

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.

*Paperwork Reduction Act*

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.).

*Congressional Review Act*

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 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 December 26, 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, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: October 10, 2007.

**Walter W. Kovalick, Jr.,**  
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 X—Michigan**

■ 2. Section 52.1170(c) is amended by revising entry “R 336.1912” under part 9 to read as follows:

**§ 52.1170 Identification of plan.**

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

**EPA-APPROVED MICHIGAN REGULATIONS**

Michigan citation	Title	State effective date	EPA approval date	Comments
*	*	*	*	*
<b>Part 9. Emission Limitations and Prohibitions—Miscellaneous</b>				

EPA-APPROVED MICHIGAN REGULATIONS—Continued

Michigan citation	Title	State effective date	EPA approval date	Comments
R 336.1912	Abnormal conditions, start-up, shutdown, and malfunction of a source, process, or process equipment, operating, notification, and reporting requirements.	7/26/95, as corrected 6/1/07.	10/26/07 [Insert page number where the document begins].	

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**

[EPA-HQ-SFUND-1989-0007; FRL-8485-3]

**National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List**

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

**ACTION:** Notice of partial deletion of sites from the Otis Air National Guard Base/Camp Edwards Superfund Site from the National Priorities List.

**SUMMARY:** EPA New England Region (EPA) announces the deletion of 61 source area sites on the Otis Air National Guard Base/Camp Edwards Superfund Site from the National Priorities List (NPL). All 61 source area sites as listed in Table 1 were originally proposed for deletion (72 FR 41976) August 1, 2007, and encompass a total acreage of 482.1 acres. A source area site is defined by: soil; structures, if present; and does not include any contaminated groundwater plume that may be below the site. Otis Air National Guard Base/Camp Edwards is a Federal Facility Superfund Site known locally as the Massachusetts Military Reservation (MMR), so this notice will use MMR as the abbreviation to describe the entire Superfund Site. The United States Air Force is the lead agency at the MMR Superfund Site.

This partial deletion pertains to only the surface area of sites investigated (and in some cases cleaned-up) for soil contamination, and does not pertain to any of the 12 groundwater plumes associated with MMR Superfund Site. All other sites (including all contaminated groundwater plumes on the Site) not included in this notice will remain on the NPL. In the northern half of the MMR, there are source area sites

and groundwater plumes associated with an investigation and cleanup program known as the Impact Area Groundwater Study Program which is being conducted under the authority of Safe Drinking Water Act Administrative Orders. These sites and groundwater plumes are not the subject of this partial deletion.

**DATES:** This partial deletion of the 61 source area sites on MMR is effective on October 26, 2007.

**FOR FURTHER INFORMATION CONTACT:** Bob Lim, Remedial Project Manager, U.S. Environmental Protection Agency, One Congress Street, Suite 1100 (HBT), Boston, Massachusetts 02114-2023, (617) 918-1392, Fax (617) 918-1291, e-mail: *lim.robert@epa.gov*.

**SUPPLEMENTARY INFORMATION:** Otis Air National Guard Base/Camp Edwards is a Federal Facility Superfund Site known locally as the Massachusetts Military Reservation (MMR), so this notice will use MMR as the abbreviation to describe the entire Superfund Site. MMR is located in portions of the towns of Bourne, Falmouth, Mashpee, and Sandwich.

This partial deletion pertains to the soil and, if present, structures at 61 sites ranging in size from half an acre to 80.7 acres. The total proposed area is 482.1 acres. Table 1 identifies structures as being present with an asterisk next to the site name. There would be 19 source area sites remaining. Even though some of the sites appear to be above contaminated groundwater plumes, this partial deletion does not include any plumes of contaminated groundwater because data shows that the sites are not related to the plumes. Currently eleven groundwater pump and treat cleanup remedies will continue operating until cleanup goals are met. In the northern half of MMR, there is a separate, ongoing investigation and cleanup program known as the Impact Area Groundwater Study Program (IAGWSP). These sites and groundwater plumes are not the subject of this Notice of Intent for Partial Deletion.

On August 1, 2007, EPA published a Notice of Intent for Partial Deletion in the **Federal Register** (72 FR 41976). EPA did not receive any comments on this proposal; therefore a Responsiveness Summary has not been prepared.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts. This partial deletion does not alter the status of all the remaining sites and groundwater plumes of the MMR Site which are not proposed for partial deletion and remain on the NPL.

TABLE 1.—LIST OF SITES FOR PARTIAL DELETION

CS-1 *	CS-12 *	FS-17
CS-1 (CG) *	CS-14 *	FS-18 *
CS-2	CS-15	FS-19
CS-2 (CG) *	CS-16/	FS-20 *
	CS-17/	
	DDOU *	
CS-3 *	CS-22	FS-23
CS-3 (CG) *	CY-1 *	FS-25 *
CS-4 *	CY-3	FS-26 (CG)
CS-4 (CG)/	FS-2	FS-27
FS-1		
(CG) *		
CS-5 *	FS-2 (CG)	LF-1 (CG)
CS-5 (CG) *	FS-3 *	LF-2 (CG)
CS-6 */FS-22	FS-4	LF-3
CS-6 (CG) *	FS-7	LF-3 (CG)
CS-7 *	FS-9 *	LF-4
CS-7 (CG) *	FS-13	LF-5
CS-8/FS-21 *	FS-14	LF-6
CS-8 (CG)	FS-15	SD-2/FS-6/
		FS-8
		SD-3/FTA-3/
CS-9	FS-16 *	CY-4
CS-11 *		

Key:  
 CS = Chemical Spill.  
 CY = Coal Yard.