

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

#### Related Information

(h) Refer to MCAI Canadian Airworthiness Directive CF-2007-29, dated November 22, 2007, and Canadair Regional Jet Model CL-600-2B19, Airworthiness Requirements in the Maintenance Requirements Manual, CSP A-053, Part 2, Appendix D, "Fuel System Limitations," Revision 7, dated May 10, 2007.

Issued in Renton, Washington, on December 26, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. E7-25617 Filed 1-3-08; 8:45 am]

BILLING CODE 4910-13-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 50

[EPA-HQ-OAR-2005-0172; FRL-8513-1]

#### Availability of Additional Information Related to the Review of the National Ambient Air Quality Standards for Ozone

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

**ACTION:** Notice of data availability.

**SUMMARY:** The EPA is providing notice that it has placed in the docket for the review of the national ambient air quality standards (NAAQS) for ozone (O<sub>3</sub>) (Docket No. EPA-HQ-OAR-2005-0172) additional information relevant to the rulemaking proposing revisions to those standards. See 72 FR 37818, July 11, 2007. Specifically, this notice announces the availability of a memorandum from Abt Associates, Inc. dated November 27, 2007. The subject of the memo is: "Additional Tables: Non-Accidental Mortality and Lung Function Responses Associated with O<sub>3</sub> Concentrations that Just Meet the Current and Alternative 8-Hour Daily Maximum Standards—Totals and Portions Attributable to O<sub>3</sub> Within 0.1 ppm Ranges, Based on 2002 and 2004 Air Quality Data." The docket number for this memo is EPA-HQ-OAR-2005-0172-6942.

**DATES:** The memorandum was placed in the Ozone NAAQS docket on December 17, 2007.

**FOR FURTHER INFORMATION CONTACT:** Mr. Harvey Richmond, Office of Air Quality Planning and Standards (C-504-06),

U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone: 919-541-5271; e-mail: richmond.harvey@epa.gov.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

On July 11, 2007, EPA published a proposed rule to make revisions to the primary and secondary NAAQS for ozone to provide requisite protection of public health and welfare (72 FR 37818). A Technical Support Document (TSD) was completed in July 2007 by Abt Associates, Inc. entitled "Ozone Health Risk Assessment for Selected Urban Areas." This TSD is docket item EPA-HQ-OAR-2005-0172-6794. Since completion of the TSD, Abt Associates, Inc. has prepared an additional analysis to show the non-accidental mortality and lung function risk associated with each 0.01 ppm O<sub>3</sub> concentration or exposure interval for air quality simulating just meeting the current and several alternative standards based on 2002 and 2004 air quality data. The total O<sub>3</sub>-related risk for non-accidental mortality and specific lung function responses are also presented in the tables in this memo and are the same as reported in the July 2007 TSD.

##### B. How Can I Get a Copy of This Document?

1. *Docket.* EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2005-0172. The document entitled "Additional Tables: Non-Accidental Mortality and Lung Function Responses Associated with O<sub>3</sub> Concentrations that Just Meet the Current and Alternative 8-Hour Daily Maximum Standards—Totals and Portions Attributable to O<sub>3</sub> Within 0.1 ppm Ranges, Based on 2002 and 2004 Air Quality Data" has been placed in this docket as docket item EPA-HQ-OAR-2005-0172-6942. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Air and Radiation Docket and Information Center, EPA/DC, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744 and the telephone number for the Air and Radiation.

##### List of Subjects in 40 CFR Part 50

Environmental protection, Air pollution control, Carbon monoxide, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

Dated: December 21, 2007.

Peter Tsirigotis,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 07-6287 Filed 1-3-08; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2007-0534; FRL-8513-7]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO<sub>x</sub> RACT Determinations for Merck and Co., Inc.

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania to establish and require reasonably available control technology (RACT) for Merck and Co., Inc. (Merck) located in Northumberland County, Pennsylvania. Merck is a major source of volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>). This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before February 4, 2008.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2007-0534 by one of the following methods:

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

B. *E-mail:*

[fernandez.cristina@epa.gov](mailto:fernandez.cristina@epa.gov).

C. *Mail:* EPA-R03-OAR-2007-0534, Cristina Fernandez, 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-2007-0534. 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 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 Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 814-2182, or by e-mail at [quinto.rose@epa.gov](mailto:quinto.rose@epa.gov).

**SUPPLEMENTARY INFORMATION:** On June 13, 2007, the Pennsylvania Department of Environmental Protection (PADEP) submitted a revision to its SIP. This SIP revision consists of a source-specific operating permit issued by PADEP to establish and require RACT for Merck pursuant to Pennsylvania's SIP-approved generic RACT regulations.

## I. Background

Pursuant to sections 182(b)(2) and 182(f) of the CAA, the Commonwealth of Pennsylvania (the Commonwealth or Pennsylvania) is required to establish and implement RACT for all major VOC and NO<sub>x</sub> sources. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR). Under section 184 of the CAA, RACT as specified in sections 182(b)(2) and 182(f), applies throughout the OTR. The entire Commonwealth is located within the OTR. Therefore, RACT is applicable statewide in Pennsylvania.

SIP revisions imposing RACT for three classes of VOC sources are required under section 182(b)(2) of the CAA. *The categories are:*

- (1) All sources covered by a Control Technique Guideline (CTG) document issued between November 15, 1990 and the date of attainment;
- (2) All sources covered by a CTG issued prior to November 15, 1990; and
- (3) All major non-CTG sources.

The Pennsylvania SIP already has approved RACT regulations and requirements for all sources and source categories covered by the CTGs. The Pennsylvania SIP also has approved regulations to require major sources of NO<sub>x</sub> and additional major sources of VOC emissions (not covered by a CTG) to implement RACT. These regulations are commonly termed the "generic RACT regulations". A generic RACT regulation is one that does not, itself, specifically define RACT for a source or source categories but instead establishes procedures for imposing case-by-case RACT determinations. The Commonwealth's SIP-approved generic RACT regulations consist of the procedures PADEP uses to establish and impose RACT for subject sources of VOC and NO<sub>x</sub>. Pursuant to the SIP-approved generic RACT rules, PADEP imposes RACT on each subject source in an enforceable document, usually a plan approval (PA) or operating permit (OP). The Commonwealth then submits these PAs and OPs to EPA for approval as source-specific SIP revisions. EPA reviews these SIP revisions to ensure that PADEP has determined and imposed RACT in accordance with the provisions of the SIP-approved generic RACT rules.

It must be noted that the Commonwealth has adopted and is implementing additional "post RACT requirements" to reduce seasonal NO<sub>x</sub> emissions in the form of a NO<sub>x</sub> cap and trade regulation, 25 Pa Code Chapters 121 and 123, based upon a model rule developed by the States in the OTR.

That regulation was approved as a SIP revision on June 6, 2000 (65 FR 35842). Pennsylvania has also adopted 25 Pa Code Chapter 145 to satisfy Phase I of the NO<sub>x</sub> SIP call. That regulation was approved as a SIP revision on August 21, 2001 (66 FR 43795). Federal approval of a source-specific RACT determination for a major source of NO<sub>x</sub> in no way relieves that source from any applicable requirements found in 25 Pa Code Chapters 121, 123 and 145.

## II. Summary of SIP Revision

Merck is a chemical process facility and is a major source of VOC and NO<sub>x</sub> emissions located in Northumberland County, Pennsylvania. The Commonwealth's submittal consists of an operating permit (OP-49-0007B) that imposes VOC and NO<sub>x</sub> RACT requirements for Merck. PADEP established and imposed these RACT requirements in accordance with the criteria set forth in its SIP-approved generic RACT regulations applicable to Merck. In accordance with its SIP-approved generic RACT rule, the Commonwealth has also imposed recordkeeping, monitoring, and testing requirements on Merck sufficient to determine compliance with the applicable RACT determinations.

## III. Proposed Action

EPA is proposing to approve the Pennsylvania SIP revision submitted by PADEP on June 13, 2007 to establish and require VOC and NO<sub>x</sub> RACT for Merck and Co., Inc. (OP-49-0007B) located in Northumberland County, Pennsylvania, pursuant to the Commonwealth's SIP-approved generic RACT regulations. EPA is soliciting public comments on this proposed rule to approve this source-specific RACT determination established and imposed by PADEP in accordance with the criteria set forth in its SIP-approved generic RACT regulation applicable to Merck. These comments will be considered before taking final action.

## IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed 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 proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by

state law. Accordingly, the Administrator certifies that this proposed 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 proposes to approve 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 proposed 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 government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely

proposes to approve a state rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This proposed rule also is not subject to Executive Order 13045 (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 CAA. 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 CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed 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. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) 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 proposed rule approving the VOC and NO<sub>x</sub> RACT determinations for Merck and Co., Inc. located in Northumberland County, Pennsylvania, does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: December 19, 2007.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

[FR Doc. E7-25641 Filed 1-3-08; 8:45 am]

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