

## The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by amending the Class E airspace at Hollister, CA. Additional controlled airspace is necessary to accommodate IFR aircraft executing a new RNAV (GPS) approach procedure at Hollister Municipal Airport, Hollister, CA.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 discusses the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes additional controlled airspace at Hollister Municipal Airport, Hollister, CA.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E. O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### **§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, signed August 15, 2007, and effective September 15, 2007 is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### **AWP CA E5 Hollister, CA [Amended]**

Hollister Municipal Airport, CA  
(Lat. 36°53’36” N., long. 121°24’37” W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Hollister Municipal Airport and within 2 miles each side of the 142° bearing from the airport extending from the 6.5-mile radius to 13.5 miles southeast of the airport.

\* \* \* \* \*

Issued in Seattle, Washington, on February 22, 2008.

#### **Clark Desing,**

*Manager, System Support Group, Western Service Center.*

[FR Doc. E8–4276 Filed 3–5–08; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

RIN 0790–AH95

#### **32 CFR Part 240**

#### **Financial Assistance to Local Educational Agencies (LEAs)**

**AGENCY:** Department of Defense.

**ACTION:** Final rule; correction.

**SUMMARY:** The Department of Defense is correcting a final rule that appeared on February 25, 2008 (72 FR 9949). The document removed 32 CFR part 240, “Financial Assistance to Local Educational Agencies (LEAs).”

**DATES:** Effective date February 25, 2008.

**FOR FURTHER INFORMATION CONTACT:** L.M. Bynum, 703–696–4970.

**SUPPLEMENTARY INFORMATION:** In FR Doc. E8–3479 appearing on page 9949 in the **Federal Register** of Monday, February 25, 2008, the following correction is made:

On page 9949, 3rd column, docket number “DoD–2006–OS–0023” is removed.

Dated: February 29, 2008.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, DoD.*

[FR Doc. E8–4360 Filed 3–5–08; 8:45 am]

**BILLING CODE 5001–06–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R03–OAR–2005–VA–0011; FRL–8537–6]

#### **Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Control of Particulate Matter From Pulp and Paper Mills; Correction**

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

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

**SUMMARY:** This document corrects errors in the final rule chart listing Virginia regulations governing kraft pulp and paper mills which EPA has incorporated by reference into the Virginia State Implementation Plan (SIP).

**DATES:** *Effective Date:* March 6, 2008.

**FOR FURTHER INFORMATION CONTACT:** Harold A. Frankford (215) 814–2108 or by e-mail at [frankford.harold@epa.gov](mailto:frankford.harold@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

Throughout this document wherever “we” or “our” are used we mean EPA. On October 19, 2007 (72 FR 59207), we published a final rulemaking action announcing our approval of State Implementation Plan (SIP) revisions to Virginia regulations governing kraft pulp and paper mills (9 VAC 5, Chapter 40, Part II, Article 13). In that document, in the rule chart for 40 CFR 52.2420(c), for entry 5–40–1670 published on Page 59210, we inadvertently omitted two “added” definitions, listed two other definitions that were not part of the SIP revision, and removed language providing the historical status of the definitions not affected by this EPA approval action. In addition, we provided an incorrect amendatory instruction on Page 15209 regarding the revised compliance provisions (5–40–1750, formerly entry 5–40–1750A). This action (1) revises the list of definitions described in the “Explanation [former SIP citation]” column for entry 5–40–1670, and (2) corrects the erroneous amendatory instruction in part 52 for entry 5–40–1750.

In the Rule document E7–20568 published in the **Federal Register** on October 19, 2007 (72 FR 59207),

Amendatory Instruction Number 2 on Page 59209, Third Column is revised to read: “In § 52.2420, the table in paragraph (c) is amended by adding an entry for 5–40–1750, removing the entry for 5–40–1750A, and revising the entries for Article 13 (title), 5–40–1660, 5–40–1670, and 5–40–1810 to read as follows:”

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 this rule is not substantive and imposes no regulatory requirements, but merely corrects a citation 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 approves a state rule implementing a Federal standard.

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 March 6, 2008. 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 the table in 40 CFR 52.2420(c) for Virginia is not a “major rule” as defined by 5 U.S.C. 804(2).

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

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

Dated: February 25, 2008.

**Donald S. Welsh,**  
*Regional Administrator, Region III.*

■ 40 CFR part 52 is 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 VV—Virginia**

■ 2. In § 52.2420, the table in paragraph (c) is amended by adding an entry for 5–40–1750, removing the entry for 5–40–1750A, and revising the entries for Article 13 (title), 5–40–1660, 5–40–1670, and 5–40–1810 to read as follows:

**§ 52.2420 Identification of plan.**

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

**EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES**

State citation (9 VAC 5)	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*
	<b>Chapter 40 Existing Stationary Sources</b>			
*	*	*	*	*
	<b>Part II Emission Standards</b>			

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

State citation (9 VAC 5)	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
<b>Article 13 Emission Standards From Kraft Pulp and Paper Mills (Rule 4–13)</b>				
5–40–1660	Applicability and designation of affected facilities.	4/01/99	10/19/07, 72 FR 59207	
5–40–1670	Definitions	4/01/99	10/19/07, 72 FR 59207	Existing: Kraft pulp mill, Lime kiln, Recovery furnace, Smelt dissolving tank. Added: Black liquor solids, Green liquor sulfidity, Neutral sulfite semichemical pulping operation, New design recovery furnace, Pulp and paper mill, Semichemical pulping process; Revised: Cross recovery furnace, Straight kraft recovery furnace. Remaining definitions are Federally enforceable as part of the Section 111(d) plan for kraft pulp mills (see, § 62.11610).
5–40–1750	Compliance	4/01/99	10/19/07, 72 FR 59207	
5–40–1810	Permits	4/01/99	10/19/07, 72 FR 59207	

\* \* \* \* \*

[FR Doc. E8–4236 Filed 3–5–08; 8:45 am]  
BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 81**

[EPA–R04–OAR–2007–0958–200802; FRL–8539–2]

**Determination of Nonattainment and Reclassification of the Atlanta, GA 8-hour Ozone Nonattainment Area**

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

**ACTION:** Final rule.

**SUMMARY:** This rule finalizes EPA’s finding that the Atlanta, Georgia marginal 8-hour ozone nonattainment area (Atlanta Area) has failed to attain the 8-hour ozone national ambient air quality standard (“NAAQS” or “standard”) by June 15, 2007, the attainment deadline set forth in the Clean Air Act (CAA) and Code of Federal Regulations (CFR) for marginal nonattainment areas. As a result of this finding, the Atlanta Area will be reclassified from a marginal to a moderate 8-hour ozone nonattainment area by operation of law, on the effective date of this rule. The effect of this reclassification will be to change the classification of the Atlanta Area, and to

require continued progress towards attainment of the 8-hour ozone NAAQS through development of a revision to the Georgia State Implementation Plan (SIP) addressing the CAA’s pollution control requirements for moderate ozone nonattainment areas. The SIP revision is due as expeditiously as practicable, but no later than December 31, 2008. The moderate area attainment date for the Atlanta Area is as expeditiously as practicable, but no later than June 15, 2010. This determination was proposed on October 16, 2007, and no comments were received.

**DATES:** *Effective Date:* This rule will be effective April 7, 2008.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2007–0958. 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:** Stacy Harder, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. EPA Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Phone: (404) 562–9042. E-mail: [harder.stacy@epa.gov](mailto:harder.stacy@epa.gov).

**SUPPLEMENTARY INFORMATION:**

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**I. What Is the Background for This Action?**

The CAA requires EPA to establish a NAAQS for pollutants that “may reasonably be anticipated to endanger public health and welfare” and to develop a primary and secondary standard for each NAAQS. The primary