

finishing South at position 42° 50'27" N, 078°51'35" W (NAD 83).

(b) *Effective period.* This regulation is effective from 6:30 a.m. to 2:30 p.m. on August 16, 2008.

(c) *Regulations.* (1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his on-scene representative.

(3) The "on-scene representative" of the Captain of the Port is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo or his on-scene representative.

Dated: July 17, 2008.

**Robert S. Burchell,**

*Captain, U.S. Coast Guard, Captain of the Port Buffalo.*

[FR Doc. E8-17181 Filed 7-25-08; 8:45 am]

**BILLING CODE 4910-15-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

[EPA-HQ-OAR-2007-0011; FRL-8698-3]

RIN 2060-AN72

### Standards of Performance for Petroleum Refineries

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

**ACTION:** Final rule; stay of effective date.

**SUMMARY:** On June 24, 2008, EPA published in the **Federal Register** final amendments to the current standards of performance for petroleum refineries and separate standards of performance for new, modified, or reconstructed process units at petroleum refineries. Both of these final rules had an effective date of June 24, 2008. This document

stays the effective date of the rule for the newly promulgated standards of performance for new, modified, or reconstructed process units at petroleum refineries to September 26, 2008 to be consistent with sections 801 and 808 of the Congressional Review Act, enacted as part of the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 801, 808. The effective date for the final rule promulgating amendments to the current standards of performance for petroleum refineries is not changing and remains June 24, 2008.

**DATES:** The effective date of this rule is July 28, 2008. Title 40 CFR part 60, subpart Ja, consisting of §§ 60.100a through 60.109a, is stayed until September 26, 2008.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert B. Lucas, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Coatings and Chemicals Group (E143-01), Environmental Protection Agency, Research Triangle Park, NC 27711, *telephone number:* (919) 541-0884; *fax number:* (919) 541-0246; *e-mail address:* lucas.bob@epa.gov.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Environmental Protection Agency published a final rule on June 24, 2008 that contained the following: (1) Final amendments to the existing refineries New Source Performance Standards (NSPS) in 40 CFR part 60, subpart J; and (2) a new refineries NSPS in 40 CFR part 60, subpart Ja (73 FR 35838). The preamble to that rule contained an incorrect effective date and contained an error in the Congressional Review Act (CRA) statement in the Statutory and Executive Order Reviews section. The preamble incorrectly classified all amendments to the CFR in that rule document as "non-major" rules and provided for an effective date of June 24, 2008. The amendments to existing NSPS subpart J in that document are properly classified as a "non-major rule;" however, the amendment that added the new NSPS subpart Ja is a "major" rule under the CRA. Section 801 of the CRA precludes a major rule from taking effect until the later of 60 days after the date of publication of the rule in the **Federal Register** or 60 days after each House of Congress and the Comptroller General of the Government Accountability Office receive a copy of a rule report. While EPA did submit the above rule as required, because NSPS subpart Ja is a "major" rule, the effective date of June 24, 2008 does not comply with sections 801 and 808 of the CRA. Today's rule

stays the effective date of NSPS subpart Ja consistent with the provisions of the CRA; the effective date of NSPS subpart Ja is September 26, 2008. The amendments in NSPS subpart J are not affected by today's action and remain effective from June 24, 2008.

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, an agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because EPA is merely correcting the effective date of the promulgated rule to be consistent with the congressional review requirements of the CRA as a matter of law and has no discretion in this matter. Thus, notice and public procedure are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

## II. Statutory and Executive Order Reviews

### A. General Requirements

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. 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). In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*). 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 (65 FR 67249, November 9, 2000). 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 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). 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. 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.*). EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the June 24, 2008 **Federal Register** document.

#### *B. Submission to Congress and the Comptroller General*

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 United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### **List of Subjects in 40 CFR Part 60**

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporations by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: July 22, 2008.

**Stephen L. Johnson,**  
*Administrator.*

■ For the reasons stated in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

#### **PART 60—[AMENDED]**

■ 1. The authority citation for part 60 continues to read as follows:

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

#### **Subpart Ja—[Stayed]**

■ 2. Subpart Ja, consisting of §§ 60.100a through 60.109a, is stayed until September 26, 2008.

[FR Doc. E8-17220 Filed 7-25-08; 8:45 am]

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#### **GENERAL SERVICES ADMINISTRATION**

#### **41 CFR Chapter 301-10**

[FTR Amendment 2008-05; FTR Case 2008-304; Docket 2008-0002, Sequence 3]

**RIN 3090-A165**

#### **Federal Travel Regulation; Privately Owned Vehicle Mileage Reimbursement**

**AGENCY:** Office of Governmentwide Policy, General Services Administration (GSA).

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the mileage reimbursement rate for use of a privately owned vehicle (POV) when that mode of transportation is authorized or approved as more advantageous to the Government. The governing regulation is revised to increase the cost of operating a privately owned airplane from \$1.07 to \$1.26 per mile, a privately owned automobile (POA) from \$0.505 to \$0.585 cents per mile, and a privately owned motorcycle from \$0.305 to \$0.585 cents per mile.

**DATES:** *Effective Date:* This final rule is effective July 28, 2008.

*Applicability Date:* This final rule applies to travel performed on or after August 1, 2008.

**FOR FURTHER INFORMATION CONTACT** The Regulatory Secretariat (VPR), Room 4041, GS Building, Washington, DC, 20405, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact Patrick McConnell, Office of Governmentwide Policy, Travel Management Policy, at (202) 501-2362. Please cite FTR Amendment 2008-05; FTR case 2008-304.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

Pursuant to 5 U.S.C. 5707(b), the Administrator of General Services has the responsibility to establish the POV mileage reimbursement rates. The Acting Administrator of General Services has determined that the per-mile operating cost of each POV is as follows:

*Airplane*—Costs presented in the 1995 initial investigation of operating costs of privately owned aircraft are updated through GSA's consultation with the Aircraft Owners and Pilots Association. The general methodology, in part, included information and items such as average U.S. retail price for aviation fuel, maintenance labor and parts, engine and propeller overhaul, and all items associated with determining a composite single engine piston aircraft reimbursement rate for Federal employees using their own aircraft while on official travel. The per-mile operating cost of a privately owned airplane is \$1.26.

*Automobile*—A recent investigation revealed that the per-mile operating cost of a privately owned automobile is \$0.585 cents. As provided in 5 U.S.C. 5704(a)(1), the automobile reimbursement rate cannot exceed the single standard mileage rate established by the Internal Revenue Service (IRS). On June 23, 2008, IRS announced a new single standard mileage rate for automobiles of \$0.585 cents per mile effective July 1, 2008 to December 31, 2008.

*Motorcycle*—A report on the motorcycle mileage reimbursement rate prepared for GSA provides that the costs of operating a privately owned motorcycle for official travel now equals the mileage reimbursement rate set for official use of a privately owned automobile. The per-mile operating cost of a privately owned motorcycle is \$0.585.

##### **B. Executive Order 12866**

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This final rule is not a major rule under 5 U.S.C. 804.

##### **C. Regulatory Flexibility Act**

This final rule is not required to be published in the **Federal Register** for notice and comment; therefore, the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply.

##### **D. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes to the Federal Travel Regulation do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*