

request permission from the Captain of the Port Morgan City, or a designated representative. They may be contacted on VHF Channel 11, or by telephone at (985) 380-5320.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port Morgan City and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: October 23, 2007.

**J. Scott Paradis,**

*Captain, U.S. Coast Guard, Captain of the Port Morgan City.*

[FR Doc. 07-5354 Filed 10-24-07; 1:09 pm]

BILLING CODE 4910-15-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2007-0192; FRL-8486-6]

#### Approval and Promulgation of Air Quality Implementation Plans; Michigan; Consumer Products Rule

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a request submitted by the Michigan Department of Environmental Quality (MDEQ) on February 13, 2007, to revise the Michigan State Implementation Plan (SIP). The state has requested approval of two rules in two areas of Part 6, Emission Limitations and Prohibitions—Existing Sources of Volatile Organic Compound (VOC) Emissions by adding R 336.1660, Standards for VOC Emissions from Consumer Products, by adopting by reference the Ozone Transport Commission's Model Rule with some modifications, and adding R 336.1661, Definitions for Consumer Products, to define VOC.

**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-2007-0192, by one of the following methods:

1. <http://www.regulations.gov>: Follow the on-line 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-2007-0192. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <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 <http://www.regulations.gov> or e-mail. The <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 <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 <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 <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 Douglas Aburano, Environmental Engineer, at (312) 353-6960 before visiting the Region 5 office.

#### FOR FURTHER INFORMATION CONTACT:

Douglas Aburano, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-6960, [aburano.douglas@epa.gov](mailto:aburano.douglas@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This supplementary information section is arranged as follows:

- I. Background
  - A. When did the State submit the requested rule revisions to EPA?
  - B. Did Michigan hold public hearings for each of these rule revisions?
- II. What are the revisions that the State is requesting for incorporation into the SIP?
  - A. Standards for Volatile Organic Compounds Emissions from Consumer Products
  - B. Definitions for Consumer Products
- III. What action is EPA taking?
- IV. Statutory and Executive Order Reviews

#### I. Background

*A. When did the State submit the requested rule revisions to EPA?*

MDEQ submitted the requested rule revisions on February 13, 2007.

*B. Did Michigan hold public hearings for each of these rule revisions?*

MDEQ held hearings on July 10, 2006 and August 17, 2006, and did not receive any adverse comments.

#### II. What are the revisions that the State is requesting for incorporation into the SIP?

The State has requested the following revisions in Part 6, Emission Limitations and Prohibitions—Existing Sources of VOC Emissions: (1) Changes to R 336.1660, Standards for VOC Emissions from Consumer Products; and (2) changes to R 336.1661, Definitions for Consumer Products. The revisions are described in more detail below.

### A. Standards for Volatile Organic Compounds Emissions from Consumer Products

MDEQ is requesting the addition of Part 6, R 336.1660, in which the state has adopted by reference the provisions in the Ozone Transport Commission's "Model Rule for Consumer Products," dated March 6, 2001, with some modifications. The modifications are related to implementation dates that are updated from the Model Rule and include several other minor changes.

The rules limit the VOC content of consumer products, including personal care products, household products, automotive after-market products, adhesives and sealants, insecticides, coatings and related products (except architectural and maintenance coatings), and other miscellaneous products. The rules require that no person shall sell, supply, offer for sale, or manufacture for sale, in the state of Michigan, any of the affected consumer products (mostly aerosols and sprays), unless the VOC content limits specified in the Table of Standards of the rules are adhered to. Additionally, the rule has several other related requirements.

### B. Definitions for Consumer Products

MDEQ is requesting the addition of Part 6, R 336.1661, in order to define VOC. R 336.1661 contains definitions used exclusively in R 336.1660.

### III. What action is EPA taking?

We are approving revisions to the Michigan SIP in two portions of Part 6: (1) To add R 336.1660, Standards for VOC Emissions from Consumer Products, in which Michigan has adopted by reference the Ozone Transport Commission's Model Rule with some modifications, and (2) to add R 336.1661, Definitions for Consumer Products, to define VOC. Michigan has adopted the Model Rule by reference with two exceptions. Michigan did not adopt the sections that address violations and severability. It was not necessary for Michigan to adopt these two specific sections of the Model Rule as there are Michigan specific rules that already address these issues. Michigan Act 348, which is approved into the Michigan SIP, addresses violations. Section 324.9122 of Michigan Act 451 provides for severability of the State's rules.

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.

### IV. Statutory and Executive Order Reviews

#### *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 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].	
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[FR Doc. E7-20948 Filed 10-25-07; 8:45 am]  
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**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.