

not exceed 720 hours in any 12-month period. Kentucky's October 2007 source-specific SIP revision therefore proposes SO<sub>2</sub> limits for the Paradise facility that are more stringent than the SIP-approved KAR. Kentucky's SIP submittal includes technical support information comparing the limits required by KAR with the current proposed source-specific revision. This information is available in the Docket for this proposed action. The new limits will be included in a CAA title V operating permit.

Consistent with Section 110 of the CAA, EPA is proposing to approve this revision to the Kentucky SIP. The revision would supersede the 1989 source-specific SIP revision for the TVA Paradise facility and subject the facility to the specific SO<sub>2</sub> emission limits discussed above.

### III. Proposed Action

EPA is proposing to approve a source-specific SIP revision submitted by KDAQ in October 2007 regarding the SO<sub>2</sub> emission limits for the three units at the TVA Paradise Facility. This proposal would supersede the 1989 source-specific SIP revision and subject TVA Paradise to emission limits of 1.2 lbs/mmBTU at Units 1, 2, and 3, except that Unit 3 may meet the limit of 3.1 lbs/mmBTU that is established in 401 KAR 61:015 during the limited times when the Unit 3 scrubber is bypassed for maintenance. Now that TVA has installed the control technology necessary to achieve the KAR limit of 3.1 lbs/mmBTU at all three units of the Paradise facility, the previous redistribution is no longer necessary. This proposed revision is consistent with Section 110 of the CAA because it will continue to provide for attainment and maintenance of the SO<sub>2</sub> NAAQS.

### 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 proposed 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 proposed action merely approves Kentucky 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.*). Because this rule proposes to approve pre-existing requirements under Kentucky law and does not impose any additional enforceable duty beyond that required by Kentucky 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 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 proposed 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 proposes to approve a Kentucky rule implementing a Federal standard, 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, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

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 Commonwealth 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. This proposed 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.*).

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Nitrogen

dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: January 24, 2008

**Russell L. Wright, Jr.,**

*Acting Regional Administrator, Region 4.*

[FR Doc. E8-2089 Filed 2-4-08; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-8523-8]

### National Oil and Hazardous Substance Pollution Contingency Plan National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Industrial Waste Control Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 6 is issuing a notice of intent to delete the Industrial Waste Control Superfund Site located in Fort Smith, Arkansas from the National Priorities List (NPL) and requests public comments on this notice of intent. The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found at Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Arkansas, through the Arkansas Department of Environmental Quality (ADEQ), have determined that all appropriate response actions under CERCLA, other than operation and maintenance and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

In the "Rules and Regulations" Section of this **Federal Register**, we are publishing a direct final notice of deletion of the Industrial Waste Control Superfund Site without prior notice of intent to delete because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the direct final deletion. If we receive no adverse comment(s) on the direct final notice of deletion, we will not take further action on this notice of intent to delete. If we receive adverse comment(s), we will withdraw

the direct final notice of deletion, and it will not take effect. We will, as appropriate, address all public comments in a subsequent final deletion notice based on this notice of intent to delete. We will not institute a second comment period on this notice of intent to delete. Any parties interested in commenting must do so at this time. For additional information see the direct final notice of deletion located in the Rules section of this **Federal Register**.

**DATES:** Comments concerning this Site must be received by March 6, 2008.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-SFUND-1983-0002 Notice 4, by one of the following methods:

<http://www.regulations.gov> (Follow the on-line instructions for submitting comments)

E-mail: [walters.donn@epa.gov](mailto:walters.donn@epa.gov).

Fax: 214-665-6660.

Mail: Donn Walters, Community Involvement, U.S. EPA Region 6 (6SF-TS), 1445 Ross Avenue, Dallas, TX 75202-2733, (214) 665-6483 or 1-800-533-3508.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-SFUND-1983-0002 Notice 4. EPA 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, disclosure of which is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected. 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 automatically be 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 disclosure of which 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 at <http://www.regulations.gov> or in hard copy at the information repositories.

**FOR FURTHER INFORMATION CONTACT:** Shawn Ghose M.S., P.E., Remedial Project Manager (RPM), U.S. EPA Region 6 (6SF-RA), 1445 Ross Avenue, Dallas, TX 75202-2733, [ghose.shawn@epa.gov](mailto:ghose.shawn@epa.gov) (214) 665-6782 or 800-533-3508.

**SUPPLEMENTARY INFORMATION:** For additional information see the Direct Final Notice of Deletion located in the "Rules" section of this **Federal Register**.

**Information Repositories:** Repositories have been established to provide detailed information concerning this decision at the following locations: U.S. EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, (214) 665-6617, by appointment only Monday through Friday 9 a.m. to 12 p.m. and 1 p.m. to 4 p.m.; Fort Smith Public Library, 3201 Rogers Avenue, Ft. Smith, AR 72903, (479) 783-0229, Monday through Thursday, 9 a.m. to 9 p.m., 9 a.m. to 6 p.m. Friday, 10 a.m. to 5 p.m. Saturday and 1 p.m. to 5 p.m. Sunday; Arkansas Department of Environmental Quality (ADEQ), 5301 Northshore Drive, North Little Rock, Arkansas 72118, (501) 682-0744, Monday through Friday 8 a.m. to 4:30 p.m.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: September 28, 2007.

**Richard E. Greene,**

*Regional Administrator, EPA Region 6.*

**Editorial Note:** This document was received at the Office of the Federal Register on January 30, 2008.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[FWS-R6-ES-2008-0013; 1111 FY07 MO-B2]

#### Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition To List the Gunnison's Prairie Dog as Threatened or Endangered

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of a 12-month petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce our 12-month finding on a petition to list the Gunnison's prairie dog (*Cynomys gunnisoni*) as an endangered or threatened species under the Endangered Species Act of 1973, as amended (Act). After a thorough review of all available scientific and commercial information, we find that the species is not threatened or endangered throughout all of its range, but that the portion of the current range of the species located in central and south-central Colorado and north-central New Mexico (the northeastern portion of the range) represents a significant portion of the range where the Gunnison's prairie dog is warranted for listing under the Act. Currently, listing is precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. We have assigned a listing priority number (LPN) of 2 to this species, because threats have a high magnitude, and are imminent. We will develop a proposed rule to list the Gunnison's prairie dog in the northeastern (montane) portion of its range as our priorities allow.

**DATES:** This finding was made on February 5, 2008.

**ADDRESSES:** This finding is available on the Internet at <http://www.regulations.gov> and <http://www.fws.gov/mountain-prairie/species/mammals/gunnisonprairiedog>. Supporting documentation we used to prepare this finding is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Western Colorado Field Office, 764 Horizon Drive, Building B, Grand Junction, CO 81506-3946; telephone (970) 243-2778; facsimile (970) 245-6933. Please submit any new information, materials, comments, or questions concerning this finding to the above address.