

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES

State citation (9 VAC 5)	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*
Chapter 20 .....	General Provisions.			
*	*	*	*	*
Part II .....	Air Quality Programs.			
*	*	*	*	*
5-20-203 .....	Air Quality Maintenance Areas ..	09/01/06	01/14/08 [Insert page number where the document begins].	Fredericksburg and Shenandoah 8-Hour Ozone Areas are added.
5-20-204 .....	Nonattainment Areas .....	09/01/06	01/14/08 [Insert page number where the document begins].	Fredericksburg and Shenandoah 8-Hour Ozone Areas are deleted.
*	*	*	*	*

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[FR Doc. E8-265 Filed 1-11-08; 8:45 am]  
BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 81**

[EPA-R03-OAR-2007-0175; EPA-R03-OAR-2007-0476; EPA-R03-OAR-2007-0344; FRL-8515-1]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of 8-Hour Ozone Nonattainment Areas to Attainment and Approval of the Areas' Maintenance Plans and 2002 Base-Year Inventories; Correction**

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

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

**SUMMARY:** This document corrects an error in the preamble language of the final rules pertaining to EPA's approval of the redesignation of Reading, Erie, and Youngstown 8-hour ozone nonattainment areas to attainment, maintenance plans and 2002 base year inventories submitted by the Commonwealth of Pennsylvania.

**DATES:** *Effective Date:* January 14, 2008.  
**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:** Throughout this document wherever "we" or "our" are used we mean EPA. On August 24, 2007 (72 FR 48559); October 9, 2007 (72 FR 57207); and October 19, 2007 (72 FR 59213), we published final rulemaking actions announcing our approval and

promulgation of Pennsylvania's redesignation of the Reading, Erie, and Youngstown 8-hour ozone nonattainment areas to attainment and approval of the associated maintenance plans and 2002 base year inventories, respectively. In these documents, EPA inadvertently printed the incorrect data in a table entitled, Adequate and Approved Motor Vehicle Emission Budgets (MVEBs) in tons per day (tpd) for 2009 and 2018. This action corrects the tables in the final rulemaking actions reflecting the correct data for the 2009 and 2018 MVEBs for Reading, Erie, and Youngstown Areas.

**Corrections**

(1) Reading, Berks County, Pennsylvania Ozone Nonattainment Area (Reading Area)

In rule document E7-16683, on page 48561, the table is corrected as follows:

**ADEQUATE AND APPROVED MOTOR VEHICLE EMISSIONS BUDGETS  
IN TONS PER DAY (TPD)**

Budget year	NO <sub>x</sub>	VOC
2009 .....	21.3	13.1
2018 .....	9.0	7.5

(2) Erie County, Pennsylvania Ozone Nonattainment Area (Erie Area)

In rule document E7-19633, on page 57208, the table is corrected as follows:

**ADEQUATE AND APPROVED MOTOR VEHICLE EMISSIONS BUDGETS  
IN TONS PER DAY (TPD)**

Budget year	NO <sub>x</sub>	VOC
2009 .....	6.9	16.1
2018 .....	4.5	7.3

(3) Mercer County Portion of the  
Youngstown-Warren-Sharon, OH-PA

Ozone Nonattainment Area  
(Youngstown Area)

In rule document E7-20567, on page  
59214, the table is corrected as follows:

ADEQUATE AND APPROVED MOTOR VEHICLE EMISSIONS BUDGETS IN TONS PER DAY (TPD)

Budget Year	NO <sub>x</sub>	VOC
2009 .....	4.5	11.6
2018 .....	3.0	5.3

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(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)(3)(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 January 14, 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**. These corrections to the tables on the MVEBs for Reading, Erie, and Youngstown, Pennsylvania are not "major rules" as defined by 5 U.S.C. 804(2).

Dated: December 27, 2007.

**William T. Wisniewski,**  
*Acting Regional Administrator, Region III.*  
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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 52 and 81

[EPA-R03-OAR-2007-0625; FRL-8515-2]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the York (York and Adams Counties) 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. The Pennsylvania Department of Environmental Protection (PADEP) is requesting that the York (York and Adams Counties) ozone nonattainment area (York Area) be redesignated as attainment for the 8-hour ozone ambient air quality standard (NAAQS). EPA is approving the ozone redesignation request for York Area. In conjunction with its redesignation request, PADEP submitted a SIP revision consisting of a maintenance plan for York Area, which EPA is