

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 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. 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 is not economically significant.

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. 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.*).

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 October 16, 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, Reporting and recordkeeping requirements.

Dated: July 31, 2007.

**Kerrigan G. Clough,**

*Acting Regional Administrator, Region VIII.*

■ 40 CFR part 52 is amended to read 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 G—Colorado

■ 2. Section 52.320 is amended by adding paragraph (c)(111) [R7] to read as follows:

##### § 52.320 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(111) On August 8, 2006, the Governor of Colorado submitted SIP revisions to Colorado's Regulation No. 11 "Motor Vehicle Emissions Inspection Program" that repeals the basic vehicle emissions inspection program in the Fort Collins and Greeley areas.

(i) Incorporation by reference.

(A) Regulation No. 11 "Motor Vehicle Emissions Inspection Program," 5CCR1001-13, Part A.1 and Part A.IV, as adopted on November 17, 2005, and effective January 30, 2006.

■ 3. Section 52.349 is amended by adding paragraphs (m) and (n) to read as follows:

##### § 52.349 Control strategy: Carbon monoxide.

\* \* \* \* \*

(m) Revisions to the Colorado State Implementation Plan, revised Carbon Monoxide Maintenance Plan for Denver, as adopted by the Colorado Air Quality Control Commission on December 15, 2005, State effective on March 2, 2006, and submitted by the Governor's designee on September 25, 2006.

(n) Revisions to the Colorado State Implementation Plan, revised Carbon Monoxide Maintenance Plan for Longmont, as adopted by the Colorado Air Quality Control Commission on December 15, 2005, State effective on March 2, 2006, and submitted by the Governor's designee on September 25, 2006.

[FR Doc. E7-16146 Filed 8-16-07; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R10-OAR-2007-0110; FRL-8456-3]

### Approval and Promulgation of Implementation Plans; Idaho and Washington; Interstate Transport of Pollution; Withdrawal of Direct Final Rule

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to an adverse comment, EPA is withdrawing the June 26, 2007 direct final rule (72 FR 35015) to approve the actions of the Idaho Department of Environmental Quality (IDEQ) and the Washington State Department of Ecology (Ecology) to address the provisions of the Clean Air Act section 110(a)(2)(D)(i) for the 8-hour ozone and PM<sub>2.5</sub> National Ambient Air Quality Standards (NAAQS). In the June 26, 2007 direct final rule, we stated that if we received adverse comments by July 26, 2007, EPA would publish a timely withdrawal in the **Federal Register** informing the public that the rule would not take effect. EPA subsequently received adverse comment on that direct final rule. EPA will address all comments received in a subsequent final action based upon the proposed action also published on June 26, 2007 (72 FR 35022). EPA will not institute a second comment period on this document.

**DATES:** *Effective Date:* The direct final rule published on June 26, 2007 (72 FR 35015) is withdrawn as of August 17, 2007.

**FOR FURTHER INFORMATION CONTACT:** Claudia Vaupel, Office of Air, Waste

and Toxics (AWT-107), EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101; telephone number: (206) 553-6121; fax number: (206) 553-0110; e-mail address: [vaupel.claudia@epa.gov](mailto:vaupel.claudia@epa.gov).

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule published in the **Federal Register** on June 26, 2007 (72 FR 35015).

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 9, 2007.

**Julie M. Hagensen,**

*Acting Regional Administrator, Region 10.*

Accordingly, the amendments to 40 CFR 52.670(e) and 52.2470(c)(89) published in the **Federal Register** on June 26, 2007 (72 FR 35015) which were to become effective on August 27, 2007 are withdrawn.

[FR Doc. E7-16217 Filed 8-16-07; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R08-OAR-2006-0163; FRL-8452-9]

#### Approval and Promulgation of Air Quality Implementation Plans; State of Montana; Missoula Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Related Revisions

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving State Implementation Plan (SIP) revisions submitted by the State of Montana. EPA is approving a request submitted by the State of Montana on May 27, 2005 requesting to redesignate the Missoula "moderate" carbon monoxide (CO) nonattainment area to attainment for the CO National Ambient Air Quality Standard (NAAQS). EPA is also approving the CO maintenance plan, which was also submitted on May 27, 2005 and includes transportation conformity motor vehicle emission budgets (MVEB) for 2000, 2010, and 2020. Lastly, EPA is approving CO periodic emission inventories for 1993 and 1996 that the State had previously submitted for the Missoula

nonattainment area. The intended effect of this action is to make federally enforceable those provisions that EPA is approving. This action is being taken under section 110 of the Clean Air Act (CAA).

**DATES:** *Effective Date:* This final rule is effective September 17, 2007.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2006-0163. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) 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 <http://www.regulations.gov> or in hard copy at the Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Russo, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6757, [russo.rebecca@epa.gov](mailto:russo.rebecca@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. Background
- II. Redesignation From Nonattainment to Attainment for CO for the Missoula Area
- III. Approval of the Missoula Area's 2000 Attainment Emission Inventory and Maintenance Plan
- IV. Approval of the Transportation Conformity Motor Vehicle Emission Budgets
- V. Approval of 1993 and 1996 CO Periodic Emission Inventories
- VI. Final Action
- VII. Statutory and Executive Order Reviews

##### Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

- (i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.
- (ii) The words *EPA*, *we*, *us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *SIP* mean or refer to State Implementation Plan.

(iv) The words *State* or *Montana* mean the State of Montana, unless the context indicates otherwise.

(v) The initials *NAAQS* mean National Ambient Air Quality Standard.

## I. Background

On April 25, 2007 (72 FR 20480), EPA published a notice of proposed rulemaking (NPR) for the State of Montana. The NPR proposed approval of the change in the legal designation of the Missoula area from nonattainment for CO to attainment. The NPR also proposed approval of the year 2000 attainment emission inventory and the maintenance plan that is designed to keep the area in attainment for CO for the next 13 years. The NPR also proposed approval of the transportation conformity motor vehicle emissions budgets (MVEB) for 2000, 2010, and 2020, and proposed approval of the 1993 and 1996 CO periodic emission inventories (PEI).

On May 27, 2005, the Governor of Montana submitted a request to redesignate the Missoula "moderate" CO nonattainment area to attainment for the CO NAAQS. The Governor also submitted a CO maintenance plan, which includes transportation conformity MVEBs for 2000, 2010, and 2020. Before EPA can approve a redesignation request, we must decide that all applicable SIP provisions have been fully approved. Approval of the applicable SIP provisions may occur simultaneously with our final approval of the redesignation request, which is why we are also approving the 1993 and 1996 CO periodic emission inventories.

The NPR provided the public until May 25, 2007 to provide comments. Because no adverse comments were received by EPA, we are finalizing this rulemaking.

## II. Redesignation From Nonattainment to Attainment for CO for the Missoula Area

Under the CAA, we can change designations if acceptable data are available and if certain other requirements are met. See CAA section 107(d)(3). Section 107(d)(3)(E) of the CAA provides that the Administrator may not promulgate a redesignation of a nonattainment area to attainment unless five conditions have been met. Each one will be discussed below.

(i) *The Administrator determines that the area has attained the national ambient air quality standard.* Montana's CO redesignation request for the Missoula area is based on an analysis of quality assured ambient air quality monitoring data that are relevant to the