

discretion of the official responsible for custody of the information, would place employee(s) at risk of injury or other harm. Also, we will not disclose the requested information if the information is protected from mandatory disclosure under an exemption of the Freedom of Information Act.

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**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**21 CFR Part 1308**

[Docket No. DEA-309F]

**Designation of Oripavine as a Basic Class of Controlled Substance; Correction**

**AGENCY:** Drug Enforcement Administration (DEA), Justice.  
**ACTION:** Final rule; correcting amendments.

**SUMMARY:** On September 24, 2007, the Drug Enforcement Administration (DEA) published in the **Federal Register** a final rule (72 FR 54208) designating oripavine (3-O-demethylthebaine or 6,7,8,14-tetrahydro-4,5-*alpha*-epoxy-6-methoxy-17-methylmorphinan-3-ol) as a basic class in schedule II of the Controlled Substances Act (CSA). The drug code for oripavine was inadvertently designated as 9335, a drug code which is already used to identify a schedule I controlled substance. This correction corrects that error and assigns a different drug code to oripavine.

**DATES:** Effective December 10, 2007.

**FOR FURTHER INFORMATION CONTACT:** Christine A. Sannerud, PhD, Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, by e-mail, [ode@dea.usdoj.gov](mailto:ode@dea.usdoj.gov) or by fax, (202) 353-1263.

**SUPPLEMENTARY INFORMATION:** On September 24, 2007, the Drug Enforcement Administration (DEA) published a Final Rule in the **Federal Register** (72 FR 54208) designating oripavine (3-O-demethylthebaine or 6,7,8,14-tetrahydro-4,5-*alpha*-epoxy-6-methoxy-17-methylmorphinan-3-ol) as a basic class in schedule II of the Controlled Substances Act (CSA). In the final rule, the drug code for oripavine was inadvertently listed as 9335. This is the drug code for the schedule I controlled substance, drotabanol. Upon publication of this rule, the drug code for oripavine will be amended to 9330.

Accordingly, 21 CFR part 1308 is corrected by making the following correcting amendments:

**PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES**

■ 1. The authority citation for part 1308 continues to read as follows:

**Authority:** 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

■ 2. Section 1308.12(b)(1) is amended by revising the entry (xii) to read as follows:

**§ 1308.12 Schedule II.**

*	*	*	*	*
	(b)	*	*	*
	(1)	*	*	*
*	*	*	*	*
(xii)	Oripavine	.....		9330
*	*	*	*	*

Dated: November 26, 2007.

**Joseph T. Rannazzisi,**  
*Deputy Assistant Administrator, Office of Diversion Control.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 49**

[EPA-R02-OAR-2004-TR-0001; FRL-8488-9]

**Approval and Promulgation of Saint Regis Mohawk's Tribal Implementation Plan**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** The EPA is approving the St. Regis Mohawk Tribe (SRMT) Tribal Implementation Plan (TIP). The SRMT TIP contains programs to address ambient air quality standards, emissions inventory, permitting, synthetic minor facilities, source surveillance, open burning, enforcement, review of state permits, and regional haze planning. EPA's action makes the approvable portions of the SRMT TIP, as discussed in this action, federally enforceable. The approvable portions of the TIP are equivalent to current EPA regulations, procedures, or ambient air quality standards. The intended effect of the approved TIP is to protect air quality and population within the exterior boundaries of the SRMT Reservation.

**DATES:** Effective Date: This rule is effective on *January 9, 2008*.

**ADDRESSES:** EPA has established a docket for this action under Docket ID

No. EPA-R02-OAR-2004-TR-0001. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. 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, 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 [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007-1866. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is 212-637-4249.

**FOR FURTHER INFORMATION CONTACT:** Gavin Lau, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007, (212) 637-3708.

**SUPPLEMENTARY INFORMATION:** On August 14, 2007 (72 FR 45397), EPA published a proposal for the approval of portions of the SRMT TIP. The final action makes federally enforceable the portions of the SRMT TIP that contain programs to address: Ambient air quality standards for sulfur dioxide (SO<sub>2</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), nitrogen dioxide (NO<sub>2</sub>), and ozone (O<sub>3</sub>); emissions inventory; permitting; synthetic minor facilities; source surveillance; open burning; enforcement; review of state permits; and regional haze planning. EPA is not approving ambient air quality standards in the SRMT TIP for fluoride and metals since they are not equivalent to EPA ambient air quality standards.

The SRMT is a federally recognized Indian tribe recognized by the U.S. Secretary of the Interior. Beginning in 2001, with assistance from EPA, the Tribe began developing a TIP with the goal of protecting the population within the Reservation from air pollution by controlling or abating existing and new sources. Under the provisions of the Clean Air Act (CAA or Act) and EPA's regulations, Indian tribes must meet eligibility criteria spelled out in the Act and the Tribal Authority Rule (TAR), in order to be treated in the same manner as a state for the purpose of developing an implementation plan. These criteria are: (1) The Tribe is federally recognized; (2) the Tribe has a governing body that carries out substantial duties and powers; (3) the functions the Tribe applied for carrying out pertain to the management and protection of air