(c) *Statements of Legal Authority.* ''Underground Injection Control Program, Attorney General's Statement,'' signed by General Counsel of Kentucky Energy and Environmental Cabinet on June 7, 2010.

(d) *Program Description.* The Program Description submitted as part of Kentucky's application, and any other materials submitted as part of this application or as a supplement thereto.

■ 3. Section 147.901 is amended by revising the section heading and the first sentence of paragraph (a) to read as follows:

**§ 147.901 EPA-administered program—Class I, III, IV, V, and VI wells and Indian lands.**

(a) *Contents.* The UIC program for Class I, III, IV, V and VI wells and all wells on Indian lands in the Commonwealth of Kentucky is administered by the EPA. * * *

* * * * *

■ 4. Section 147.902 is added to read as follows:

**§ 147.902 Aquifer exemptions.**

(a) This section identifies any aquifers or their portions exempted in accordance with §§ 144.7(b) and 146.4 of this chapter. These aquifers are not being proposed for exemption under the Commonwealth of Kentucky's primacy approval. Rather, the exempted aquifers listed below were previously approved while EPA had primary enforcement authority for the Class II UIC program in the Commonwealth of Kentucky and are included here for reference. Additional information pertinent to these exempted aquifers or their portions resides in EPA Region 4.

(1) The following eight aquifers (underground sources of drinking water) in the Commonwealth of Kentucky have been exempted in accordance with the provisions of §§ 144.7(b) and 146.4 of this chapter for Class II injection activities only: A portion of the Tar Springs sandstone formation that has a quarter mile radius areal extent (125.6 acres) that is located at latitude 37.7261 and longitude −86.6914. The formation has a true vertical depth from surface of 280 feet.

(2) A portion of the Tar Springs sandstone formation that has a quarter mile radius areal extent (125.6 acres) that is located at latitude 37.7294 and longitude −867212. The formation has a true vertical depth from surface of 249 feet.

(3) A portion of the Tar Springs sandstone formation that has a quarter mile radius areal extent (125.6 acres) that is located at latitude 37.7055 and longitude −86.7177. The formation has a true vertical depth from surface of 210 feet.

(4) A portion of the Pennsylvanian Age sandstone formation that has a quarter mile radius areal extent (125.6 acres) that is located at latitude 37.5402 and longitude −87.2551. The formation has a true vertical depth from surface of 1,050 feet.

(5) A portion of the Tar Springs sandstone formation that has a quarter mile radius areal extent (125.6 acres) that is located at latitude 37.7301 and longitude −87.6922. The formation has a true vertical depth from surface of 240 feet.

(6) A portion of the Caseyville sandstone formation that has a quarter mile radius areal extent (125.6 acres) that is located at latitude 37.5776 and longitude −87.1321. The formation had a true vertical depth from surface of 350 feet.

(7) A portion of the Caseyville sandstone formation that has a quarter mile radius areal extent (125.6 acres) that is located at latitude 37.5778 and longitude −87.1379. The formation has a true vertical depth from surface of 1,080 feet.

(8) A portion of the Caseyville sandstone formation that has a quarter mile radius areal extent (125.6 acres) that is located at latitude 37.5652 and longitude −87.1222. The formation has a true vertical depth from surface of 1,060 feet.

(b) [Reserved]

■ 5. Section 147.903 is amended by revising the section heading to read as follows:.

**§ 147.903 Existing Class I and III wells authorized by rule.**

* * * * *

**§ 147.904 [Removed and Reserved]**

■ 6. Section 147.904 is removed and reserved.

[FR Doc. 2016–31268 Filed 12–27–16; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 147

**[EPA–HQ–OW–2015–0372; FRL–9957–47–OW]**

## State of Kentucky Underground Injection Control (UIC) Class II Program; Withdrawal of Primacy Approval

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

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

**SUMMARY:** Because the U.S. Environmental Protection Agency (EPA) received adverse comment, we are withdrawing the direct final rule approving the Commonwealth of Kentucky's Underground Injection Control (UIC) Class II Program for primacy, published on October 28, 2016.

**DATES:** Effective December 28, 2016, EPA withdraws the direct final rule published at 81 FR 74927, on October 28, 2016.

**FOR FURTHER INFORMATION CONTACT:** Holly S. Green, Drinking Water Protection Division, Office of Ground Water and Drinking Water (4606M), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 566–0651; fax number: (202) 564–3754; email address: *green.holly@epa.gov*; or Nancy H. Marsh, Safe Drinking Water Branch, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303; telephone number (404) 562–9450; fax number: (404) 562 9439; email address: *marsh.nancy@epa.gov*.

**SUPPLEMENTARY INFORMATION:** Because EPA received adverse comment, we are withdrawing the direct final rule approving the Commonwealth of Kentucky's Underground Injection Control Class II (UIC).

Program for primacy, published on October 28, 2016. We stated in that direct final rule that if we received adverse comment by November 28, 2016, the direct final rule would not take effect and we would publish a timely withdrawal in the **Federal Register**. We subsequently received adverse comment on that direct final rule. We will address those comments in any subsequent final action, which will be based on the parallel proposed rule also published on October 28, 2016 (81 FR 75006). As stated in the direct final rule and the parallel proposed rule, we will not institute a second comment period on this action.

Dated: December 20, 2016.

**Gina McCarthy,**

*Administrator.*

Accordingly, the direct final rule published on October 28, 2016, (81 FR 74927) is withdrawn effective December 28, 2016.

[FR Doc. 2016–31267 Filed 12–27–16; 8:45 am]

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