

**NATIONAL ARCHIVES AND RECORDS
ADMINISTRATION****36 CFR Part 1230****Micrographic Records Management***CFR Correction*

In Title 36 of the Code of Federal Regulations, Part 300 to End, revised as of July 1, 2005, on page 889, § 1230.1 is corrected by removing the last sentence of the first paragraph, the following undesignated paragraph, and paragraphs (a), (b), and (c).

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**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 52**

[TX-126-1-7685; FRL-7982-1]

**Approval and Promulgation of
Implementation Plans; Texas; Speed
Limits Local Measure for the Dallas/
Fort Worth Ozone Nonattainment Area**

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving a State Implementation Plan (SIP) revision for the State of Texas to reduce some speed limits in the Dallas/Fort Worth (DFW) ozone nonattainment area. This measure reduces speed limits in a nine county area from 70 miles per hour to 65 miles per hour and from 65 miles per hour to 60 miles per hour. This measure was submitted on April 25, 2000, and EPA proposed approval on January 28, 2001. These speed limit reductions are designed to reduce nitrogen oxides in the DFW area as part of a strategy to aid the area in attaining of the National Ambient Air Quality Standards.

The EPA is also making a technical correction to ensure that it is clear that the measure applies to a nine county area.

DATES: This rule is effective on November 10, 2005.

ADDRESSES: Copies of the documents relevant to this action are in the official file which is available at the Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in

the **FOR FURTHER INFORMATION CONTACT** paragraph below to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

Copies of any State submittals and EPA's technical support document are also available for public inspection at the State Air Agency listed below during official business hours by appointment:

Texas Commission on Environmental Quality, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT:

Herbert R. Sherrow, Jr., Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone (214) 665-7237; fax number 214-665-7263; e-mail address sherrow.herb@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever "we," "us," or "our" is used, we mean the EPA.

Outline

- I. What Action Is EPA Taking?
- II. What Is the Background for This Action?
- III. What Technical Correction Are We Making?
- IV. What Comments Were Received During the Public Comment Period, January 18, 2001, to March 19, 2001?
- V. Final Action
- VI. Statutory and Executive Order Reviews

I. What Action Is EPA Taking?

EPA is approving the speed limit local measure for the DFW ozone nonattainment area submitted on April 25, 2000.

II. What Is the Background for This Action?

We proposed approval of this SIP element on January 28, 2001.

The Texas Department of Transportation (TxDOT) revised regulations relating to speed limits to allow the Texas Commission on Environmental Quality (TCEQ) to submit a request to change speed limits for environmental reasons when justified. (Please see adopted rules, 25 TexReg 5686, June 9, 2000; and proposed rules, 25 TexReg 2018, March 10, 2000). Consequently, TxDOT lowered all 70 mile per hour (mph) speed limits to 65 mph, and all 65 mph speed limits to 60 mph in the DFW nine county area (Dallas, Tarrant, Collin, Denton, Parker, Johnson, Ellis,

Kaufman, and Rockwall Counties). These slower speeds are anticipated to reduce the emissions of NO_x and improve air quality. The slower speed limits were implemented September 1, 2001. This approval will add a new local measure to the SIP for the DFW ozone nonattainment area. Since the slower speeds are anticipated to reduce NO_x emissions, this local measure will not cause an increase in the criteria pollutants or their precursors. As such, the State's revision meets and complies with the requirements of section 110(l) of the Clean Air Act.

Please refer to 66 FR 4756, January 18, 2001, and its Technical Support Document for details on the speed limit measure.

III. What Technical Correction Are We Making?

We incorrectly stated that the speed limits would apply to the four county DFW area instead of the nine county area in the Speed Limits Reduction section of our proposed rule (see 66 FR 4756, page 4760) and in the Technical Support Document (TSD) page 35. In other references in the Emissions Control Strategy, Local Measures section (66 FR 4756, page 4760; TSD page 32) and the What are the Local Initiatives and are They Approvable? section (66 FR 4756, page 4760; TSD, page 35) we correctly stated that the measure applies to the nine county area. The purpose of this technical correction is to ensure that it is clear that the measure applies to the nine county area.

IV. What Comments Were Received During the Public Comment Period, January 18, 2001, to March 19, 2001?

Three commentors stated that speed limit reductions was not a measure which was effective or a reasonable approach to clean air.

Response: We disagree with the comment. Computer modeling used by the TCEQ to assess the effectiveness of control strategies to improve air quality in the DFW area showed that speed limit reductions would result in substantial emissions reductions in the DFW area. The technical analysis submitted showed a reduction of over 5 tons per day of Nitrogen Oxides and ½ ton per day of volatile organic compounds. In addition, the measure would result in reducing the severity of traffic accidents and in fuel savings.

Two commentors stated that the speed limits would not be effective without additional enforcement. One commentor asked if there was funding available for additional police officers to enforce the new speed limits.