

Dated: June 22, 2006.

William T. Wisniewski,

Acting Regional Administrator, Region III.

■ 40 CFR part 52 is amended 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 NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (d)(1) is amended by adding the entries for Carlisle Tire & Rubber Company; The Carbide/Graphite Group, Inc.; Celotex Corporation; American Railcar Industries, Inc. Shippers Car Line

Division; ACF; New Holland North America, Inc.; Allsteel, Inc.; and Ball-Foster Glass Container Co. at the end of the table to read as follows:

#### § 52.2020 Identification of plan.

|     |   |   |   |   |
|-----|---|---|---|---|
| *   | * | * | * | * |
| (d) | * | * | * | * |
| (1) | * | * | * | * |

| Name of source                                                | Permit No.       | County               | State effective date | EPA approval date                                       | Additional explanation/§ 52.2063 citation |
|---------------------------------------------------------------|------------------|----------------------|----------------------|---------------------------------------------------------|-------------------------------------------|
| * * * * *                                                     |                  |                      |                      |                                                         |                                           |
| Carlisle Tire & Rubber Company .....                          | 21-2003 .....    | Cumberland .....     | 3/10/95              | 7/11/06 [Insert page number where the document begins]. | 52.2020(d)(1)(t).                         |
| The Carbide/Graphite Group, Inc .....                         | OP 24-012 .....  | Elk .....            | 5/12/95              | 7/11/06 [Insert page number where the document begins]. | 52.2020(d)(1)(t).                         |
| Celotex Corporation .....                                     | OP 49-0013 ..... | Northumberland ..... | 6/18/99              | 7/11/06 [Insert page number where the document begins]. | 52.2020(d)(1)(t).                         |
| American Railcar Industries, Inc. Shippers Car Line Division. | OP-49-0012 ....  | Northumberland ..... | 11/29/95             | 7/11/06 [Insert page number where the document begins]. | 52.2020(d)(1)(t).                         |
| ACF .....                                                     | OP-49-0009 ....  | Northumberland ..... | 12/12/95             | 7/11/06 [Insert page number where the document begins]. | 52.2020(d)(1)(t).                         |
| New Holland North America, Inc .....                          | 36-2028 .....    | Lancaster .....      | 10/17/95             | 7/11/06 [Insert page number where the document begins]. | 52.2020(d)(1)(t).                         |
| Allsteel, Inc .....                                           | 40-0015 .....    | Luzerne .....        | 5/26/95              | 7/11/06 [Insert page number where the document begins]. | 52.2020(d)(1)(t).                         |
| Ball-Foster Glass Container Co .....                          | OP 42-0028 ..... | McKean .....         | 3/31/99              | 7/11/06 [Insert page number where the document begins]. | 52.2020(d)(1)(t).                         |

\* \* \* \* \*

[FR Doc. 06-6087 Filed 7-10-06; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R03-OAR-2006-0279; FRL-8192-1]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO<sub>x</sub> RACT Determinations for Eight Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** EPA is taking final action to approve revisions to the Commonwealth of Pennsylvania State Implementation Plan (SIP). The revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology

(RACT) for eight major sources of volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>) pursuant to the Commonwealth of Pennsylvania's (Pennsylvania's or the Commonwealth's) SIP-approved generic RACT regulations. EPA is approving these revisions in accordance with the Clean Air Act (CAA).

**DATES:** *Effective Date:* This final rule is effective on August 10, 2006.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2006-0279. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the electronic docket, some information is not publicly available, i.e., 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 for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Ellen Wentworth, (215) 814-2034, or by e-mail at [wentworth.ellen@epa.gov](mailto:wentworth.ellen@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On April 27, 2006 (71 FR 24831), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. The NPR proposed approval of formal SIP revisions submitted by Pennsylvania on August 1, 1995, March 21, 1996, October 18, 1996, April 20, 1998, October 2, 1998, June 22, 1999, and February 4, 2003. These SIP revisions consist of source-specific operating

permits issued by PADEP to establish and require RACT pursuant to the Commonwealth's SIP-approved generic

RACT regulations. The following table identifies the sources and the individual

operating permits (OPs) which are the subject of this rulemaking.

#### PENNSYLVANIA.—VOC AND NO<sub>x</sub> RACT DETERMINATIONS FOR INDIVIDUAL SOURCES

| Source's name                                  | County               | Operating permit (OP No.) consent order (CO No.) | Source type                                | "Major source" pollutant  |
|------------------------------------------------|----------------------|--------------------------------------------------|--------------------------------------------|---------------------------|
| Pennsylvania Power & Light Company—West Shore. | Cumberland .....     | OP-21-2009 ....                                  | Combustion Turbines .....                  | VOC and NO <sub>x</sub> . |
| Foster Wheeler Mt. Carmel, Inc .....           | Northumberland ..... | OP-49-0002 ....                                  | Cogeneration Facility .....                | NO <sub>x</sub> .         |
| Metropolitan Edison Company—Portland .....     | Northampton .....    | OP-48-0006 ....                                  | Combustion Turbines and Boilers.           | NO <sub>x</sub> .         |
| Pennsylvania Power & Light Company .....       | Lycoming .....       | OP-41-0004 ....                                  | Combustion Turbine .....                   | NO <sub>x</sub> .         |
| Pennsylvania Power & Light Company .....       | Clinton .....        | OP-18-0006 ....                                  | Combustion Turbines .....                  | NO <sub>x</sub> .         |
| Texas Eastern Transmission Corporation .....   | Juniata County ..... | OP-34-2002 ....                                  | Compressor Station .....                   | NO <sub>x</sub> .         |
| Pennsylvania Power & Light Company .....       | Northampton .....    | OP-48-0011 ....                                  | Combustion Turbines and Diesel Generators. | VOC and NO <sub>x</sub> . |
| Johnstown Corporation .....                    | Cambria .....        | OP-11-000-034                                    | Steel Foundry .....                        | VOC.                      |

An explanation of the CAA's RACT requirements as they apply to the Commonwealth and EPA's rationale for approving these SIP revisions were provided in the NPR and will not be restated here. No public comments were received on the NPR.

## II. Final Action

EPA is approving the revisions to the Pennsylvania SIP submitted by PADEP on August 1, 1995, March 21, 1996, October 18, 1996, April 20, 1998, October 2, 1998, June 22, 1999, and February 4, 2003, to establish and require VOC and NO<sub>x</sub> RACT for eight sources pursuant to the Commonwealth's SIP-approved generic RACT regulations.

## III. Statutory and Executive Order Reviews

### A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is 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). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond

that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the 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.*).

### B. Submission to Congress and the Comptroller General

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 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability establishing source-specific requirements for eight named sources.

### C. Petitions for Judicial Review

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 September 11, 2006. 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, approving source-specific RACT requirements for eight sources in the Commonwealth of Pennsylvania, 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, Nitrogen dioxide,

Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 22, 2006.

**William T. Wisniewski,**

*Acting Regional Administrator, Region III.*

■ 40 CFR part 52 is amended 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 NN—Pennsylvania

■ 2. In Section 52.2020, the table in paragraph (d)(1) is amended by adding the entries for Pennsylvania Power & Light Company—West Shore; Foster

Wheeler Mt. Carmel, Inc.; Metropolitan Edison Company—Portland; Pennsylvania Power & Light Company—Williamsport; Pennsylvania Power & Light Company—Bald Eagle; Texas Eastern Transmission Corporation; Pennsylvania Power & Light Company—Martins Creek; and Johnstown Corporation, at the end of the table to read as follows:

#### § 52.2020 Identification of plan.

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

| Name of source                                 | Permit No.      | County               | State effective date | EPA approval date                                       | Additional explanation/§ 52.2063 citation |
|------------------------------------------------|-----------------|----------------------|----------------------|---------------------------------------------------------|-------------------------------------------|
| * * * * *                                      |                 |                      |                      |                                                         |                                           |
| Pennsylvania Power & Light Company—West Shore. | OP-21-2009 .... | Cumberland .....     | 6/7/95               | 7/11/06 [Insert page number where the document begins]. | 52.2020(d)(1)(r).                         |
| Foster Wheeler Mt. Carmel, Inc .....           | OP-49-0002 .... | Northumberland ..... | 6/30/95              | 7/11/06 [Insert page number where the document begins]. | 52.2020(d)(1)(r).                         |
| Metropolitan Edison Company—Portland ....      | OP-48-0006 .... | Northampton .....    | 12/14/94             | 7/11/06 [Insert page number where the document begins]. | 52.2020(d)(1)(r).                         |
| Pennsylvania Power & Light Company .....       | OP-41-0004 .... | Lycoming .....       | 6/13/95              | 7/11/06 [Insert page number where the document begins]. | 52.2020(d)(1)(r).                         |
| Pennsylvania Power & Light Company .....       | OP-18-0006 .... | Clinton .....        | .....                | 7/11/06 [Insert page number where the document begins]. | 52.2020(d)(1)(r).                         |
| Texas Eastern Transmission Corporation ....    | OP-34-2002 .... | Juniata .....        | 1/31/97              | 7/11/06 [Insert page number where the document begins]. | 52.2020(d)(1)(r).                         |
| Pennsylvania Power & Light Company .....       | OP-48-0011 .... | Northampton .....    | 12/14/94             | 7/11/06 [Insert page number where the document begins]. | 52.2020(d)(1)(r).                         |
| Johnstown Corporation .....                    | OP-11-000-034.  | Cambria .....        | 6/23/95              | 7/11/06 [Insert page number where the document begins]. | 52.2020(d)(1)(r).                         |

\* \* \* \* \*

[FR Doc. 06-6086 Filed 7-10-06; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 52 and 70

[EPA-R07-OAR-2005-MO-0005; FRL-8192-4]

#### Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri

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

**ACTION:** Final rule.

**SUMMARY:** EPA is taking final action on Missouri's request to incorporate two new rules and three revised rules into the State Implementation Plan (SIP) and Part 70 Operating Permit program. All of the rules pertain to Missouri's air permits program. Because of the state's request for approval of portions of the rules, EPA is not taking final action on all of the state-adopted rules. We are approving revisions to the Construction Permits Required rule and conditionally approving portions of the Construction Permits Required rule, which reference the Construction Permits by Rule. We are approving the Construction Permit Exemptions rule, except for the

livestock markets and livestock operations exemption. We are conditionally approving the Construction Permits By Rule except for the livestock markets and livestock operations exemption.

**EFFECTIVE DATE:** This rule is effective on August 10, 2006.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R07-OAR-2005-MO-0005. 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, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as