

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 21, 2005. 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 CAA section 307(b)(2).)

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

Environmental protection, Air pollution control, Carbon monoxide,

Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 15, 2005.

**J.I. Palmer, Jr.**,  
Regional Administrator, Region 4.

■ 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 II—North Carolina**

■ 2. Section 52.1770(e) is amended by adding a new entry at the end of the table for "North Carolina Attainment Demonstration of the Mountain, Unifour, Triad and Fayetteville Early Action Compact Areas" to read as follows:

**§ 52.1770 Identification of plan.**

\* \* \* \* \*  
(e) \* \* \*

**EPA APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS**

Provision	State effective date	EPA approval date	Federal Register citation
* * * * *			
Attainment Demonstration of the Mountain, Unifour, Triad and Fayetteville Early Action Compact Areas.	December 21, 2004 .....	September 21, 2005 .....	[Insert first page number of publication].

[FR Doc. 05-16596 Filed 8-19-05; 8:45 am]  
BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[R06-OAR-2005-TX-0010; FRL-7955-8]

**Approval and Promulgation of Air Quality Implementation Plans; Texas; Attainment Demonstration of the San Antonio Early Action Compact Area**

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

**ACTION:** Final rule.

**SUMMARY:** The EPA is approving revisions to the State Implementation Plan (SIP) submitted by the Chairman of the Texas Commission on Environmental Quality (TCEQ) on December 6, 2004. The revisions demonstrate attainment of the 8-hour ozone standard and incorporate the San Antonio Early Action Compact (EAC) Clean Air Plan into the Texas SIP. EPA is approving the photochemical

modeling in support of the attainment demonstration of the 8-hour ozone standard within the San Antonio EAC area and is approving the associated control measures. These actions strengthen the SIP in accordance with the requirements of sections 110 and 116 of the Federal Clean Air Act (the Act), and will result in emission reductions needed to achieve attainment of and maintain the 8-hour National Ambient Air Quality Standard (NAAQS) for ozone.

**DATES:** This final rule is effective on September 21, 2005.

**ADDRESSES:** EPA has established a docket for this action under Regional Materials in EDocket (RME) ID No. R06-OAR-2005-TX-0010. All documents in the docket are listed in the RME index at <http://docket.epa.gov/rnepub/>; once in the system, select "quick search," then type in the appropriate RME docket identification number. Although listed in the index, some information is not publicly available, *i.e.*, confidential business information or other information the disclosure of which 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 in RME or in hard copy 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, or Mr. Bill Deese at 214-665-7253, 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 cents 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.

The State submittal is 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:**

Carrie Paige, Air Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-6521, [paige.carrie@epa.gov](mailto:paige.carrie@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, wherever “we,” “our,” and “us” is used, we mean EPA.

**Outline**

- I. Background
- II. What Action Is EPA Taking?
- III. What Comments Did EPA Receive on the May 23, 2005 Proposed Rulemaking for San Antonio?
- IV. Final Action
- V. Statutory and Executive Order Reviews

**I. Background**

On May 23, 2005, EPA proposed approval of the San Antonio EAC area’s Clean Air Plan (CAP), the photochemical modeling in support of the attainment demonstration and related control measures as revisions to the SIP submitted to EPA by the Texas Commission on Environmental Quality. The proposal provides a detailed description of these revisions and the rationale for EPA’s proposed actions, together with a discussion of the opportunity to comment. The public comment period for these actions closed on June 22, 2005. See the Technical Support Documents or our proposed rulemaking at 70 FR 29466 for more information. One adverse comment was received on EPA’s proposed approval of the San Antonio EAC area’s CAP and 8-hour ozone attainment demonstration for the EAC area.

**II. What Action Is EPA Taking?**

Today we are approving revisions to the Texas SIP under sections 110 and 116 of the Act. The revisions demonstrate attainment of the 8-hour ozone standard within the San Antonio EAC area. The revisions include the San Antonio EAC CAP, photochemical modeling and related control measures. The intent of the SIP revisions is to reduce ozone pollution and thereby attain and maintain the 8-hour ozone standard.

**III. What Comments Did EPA Receive on the May 23, 2005 Proposed Rulemaking for San Antonio?**

We received one comment letter on the May 23, 2005 proposed rulemaking. The letter provided both supportive and adverse discourse, commending the State of Texas for steps it has taken to

improve air quality. The commenter opposes approval of the SIP revision because it (1) provides for the deferment of the area’s nonattainment designation to as late as December 31, 2007, and (2) relieves the area of its obligations under Title I, Subpart D of the Act. The commenter contends that EPA does not have the legal authority to defer the effective date of an area’s nonattainment designation or to relieve areas of the obligations of Part D of Title I of the Act when areas are violating the standard and designated nonattainment.

*Response:* We appreciate the support expressed towards the State of Texas and towards the efforts made to achieve and maintain the 8-hour ozone NAAQS. We continue to believe that the EAC program, as designed, gives San Antonio the flexibility to develop their own approach to meeting the 8-hour ozone standard and believe San Antonio is serious in their commitment to control emissions from local sources earlier than the Act would require. By involving diverse stakeholders, including representatives from industry, local and State governments, and local environmental and citizen groups, San Antonio is implementing regional cooperation in solving air quality problems that affect the health and welfare of its citizens. People living in the San Antonio EAC area will realize reductions in pollution levels and enjoy the health benefits of cleaner air sooner than might otherwise occur.

The commenter incorrectly asserts that the SIP revision provides for deferment of the effective date of the area’s nonattainment designation. The SIP revision does not purport to alter the area’s effective date of designation for the 8-hour standard. In the 8-hour designation rule published April 30, 2004, EPA designated 14 EAC areas as nonattainment, but deferred the effective date of the designation until September 30, 2005. While approval of the CAP is a prerequisite for an extension of the deferred effective date for the San Antonio EAC, *see* 40 CFR 81.300(e)(3), neither the proposed approval of this SIP nor this final action approving the SIP purports to extend the deferral of the effective date of the nonattainment designation for this area. In a separate proposed rule, EPA proposed to extend to December 31, 2006, the deferral of the effective date for all 14 EAC areas that received deferrals to September 30, 2005 in the April 2004 designation rules. In a separate notice, EPA will consider comments regarding its legal authority to issue such deferrals in the final rulemaking action on the deferral. Additionally, we note that the

requirements of part D of title I of the CAA are triggered when an area has an effective 8-hour ozone nonattainment designation. EPA’s approval of the CAP for San Antonio does not affect whether the requirements of part D apply in the San Antonio area. Rather, it is EPA’s separate actions regarding the effective date of the area’s designation that affects whether and when the nonattainment provisions of part D might apply.

**IV. Final Action**

EPA is approving the attainment demonstration, the San Antonio EAC CAP, and the related control measures and incorporating these revisions into the Texas SIP as a strengthening of the SIP. We have determined that the CAP control measures included in the attainment demonstration are quantified, surplus, permanent, and will be Federally enforceable SIP revisions. The modeling of ozone and ozone precursor emissions from sources in the San Antonio EAC area demonstrate that the specified control strategies will provide for attainment of the 8-hour ozone NAAQS by December 31, 2007 and maintenance of that standard through 2012. We have reviewed the CAP and the attainment demonstration and determined that they are consistent with the requirements of the Act, EPA’s policy, and the EAC protocol.

**V. Statutory and Executive Order Reviews**

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 and because this action will not have a significant, adverse effect on the supply, distribution, or use of energy, 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 under the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note), 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 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. section 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. section 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 21, 2005. 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, Intergovernmental relations, Nitrogen dioxides, Ozone, Reporting and recordkeeping requirements, Volatile Organic Compounds.

Dated: August 12, 2005.

**Richard E. Greene,**  
Regional Administrator, Region 6.

■ 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 SS—Texas**

■ 2. The second table in § 52.2270(e) entitled "EPA approved nonregulatory provisions and quasi-regulatory measures in the Texas SIP" is amended by adding a new entry, immediately following the last entry in the table, to read as follows:

**§ 52.2270 Identification of plan.**

\* \* \* \* \*  
(e) \* \* \*

**EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP**

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Comments
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Clean Air Plan, 8-hour ozone standard attainment demonstration and Transportation Emission Reduction Measures (TERMs) for the San Antonio EAC area.	Bexar, Comal, Guadalupe, and Wilson Counties, TX.	12/06/04	8/22/05 [Insert FR page number where document begins].	

[FR Doc. 05-16475 Filed 8-19-05; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[R06-OAR-2005-LA-0001; FRL -7955-7]

#### Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Attainment Demonstration for the Shreveport-Bossier City Early Action Compact Area

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

**ACTION:** Final rule.

**SUMMARY:** The EPA is approving revisions to the State Implementation Plan (SIP) submitted by the Louisiana Department of Environmental Quality (LDEQ) on December 28, 2004. The revisions will incorporate the Shreveport-Bossier City Metropolitan Statistical Area (MSA) Early Action Compact (EAC) Air Quality Improvement Plan (AQIP) into the Louisiana SIP. EPA is approving the photochemical modeling in support of the attainment and maintenance demonstration for the 8-hour ozone standard within the Shreveport-Bossier City EAC area and is approving the associated control measures. These actions strengthen the SIP in accordance with the requirements of sections 110 and 116 of the Federal Clean Air Act (the Act) and will result in emission reductions needed to ensure continued attainment and maintenance of the 8-hour National Ambient Air Quality Standard (NAAQS) for ozone.

**DATES:** This final rule is effective on September 21, 2005.

**ADDRESSES:** EPA has established a docket for this action under Regional Materials in EDocket (RME) ID No. R06-OAR-2005-LA-0001. All documents in the docket are listed in the RME index at <http://docket.epa.gov/rmepub/>; once in the system, select "quick search," then type in the appropriate RME docket identification number. Although listed in the index, some information is not publicly available, *i.e.*, confidential business information or other information the disclosure of which 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 in RME or in hard copy 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, or Mr. Bill Deese at 214-665-7253, 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 cents 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.

The State submittal is also available for public inspection at the State Air Agency listed below during official business hours by appointment:

Louisiana Department of Environmental Quality, Air Quality Division, 7290 Bluebonnet Boulevard, Baton Rouge, Louisiana 70810.

**FOR FURTHER INFORMATION CONTACT:** Carrie Paige, Air Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-6521, [paige.carrie@epa.gov](mailto:paige.carrie@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

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

#### **Outline**

- I. Background
- II. What Action Is EPA Taking?
- III. What Comments Did EPA Receive on the May 12, 2005 Proposed Rulemaking for the Shreveport-Bossier City EAC Area?
- IV. Final Action
- V. Statutory and Executive Order Reviews

#### **I. Background**

On May 12, 2005, EPA proposed approval of the Shreveport-Bossier City EAC area's Air Quality Improvement Plan (AQIP), the photochemical modeling in support of the attainment and maintenance demonstration and related control measures as revisions to the SIP submitted to EPA by the State of Louisiana. The photochemical modeling predicts that the 8-hour ozone standard should continue to be attained through December 31, 2007 and maintained through 2012. The proposal provides a detailed description of these revisions and the rationale for EPA's proposed actions, together with a discussion of the opportunity to comment. The public comment period for these actions closed on June 13, 2005. See the Technical Support Document or our proposed rulemaking at 70 FR 25000 for more information.

Two comment letters were received on EPA's proposed approval of the Shreveport-Bossier City EAC area's AQIP and 8-hour ozone attainment demonstration for the EAC area.

#### **II. What Action Is EPA Taking?**

Today we are approving revisions to the Louisiana SIP under sections 110 and 116 of the Act. The revisions demonstrate continued attainment and maintenance of the 8-hour ozone standard within the Shreveport-Bossier City EAC area. The revisions include the Shreveport-Bossier City EAC AQIP, photochemical modeling and related control measures. The intent of the SIP revisions is to reduce ozone pollution and thereby maintain the 8-hour ozone standard.

#### **III. What Comments Did EPA Receive on the May 12, 2005 Proposed Rulemaking for Shreveport-Bossier City?**

We received two comment letters on the May 12, 2005 proposed rulemaking for Shreveport-Bossier City. The comments provided both supportive and adverse discourse.

*Comment:* One letter supports EPA's approval of the EAC SIP revisions and one letter commends the State of Louisiana for steps it has taken to improve air quality.

*Response:* We appreciate the support expressed towards the State of Louisiana and towards the efforts made to ensure that the citizens in the Shreveport-Bossier City EAC area continue to breathe clean air. We continue to believe that the EAC program, as designed, gives the Shreveport-Bossier City area the flexibility to develop their own approach to maintaining the 8-hour ozone standard and believe the Shreveport-Bossier City area is serious in their commitment to control emissions from local sources. By involving diverse stakeholders, including representatives from industry, local and State governments, and local environmental and citizen groups, the Shreveport-Bossier City area is implementing regional cooperation in solving air quality problems that affect the health and welfare of its citizens. Through implementation of the AQIP, people living in the Shreveport-Bossier City area will realize reductions in pollution levels and enjoy the health benefits of cleaner air sooner than might otherwise occur.

*Comment:* One letter opposes approval of the SIP revision. The letter contends that, should the area experience a violation of the 8-hour ozone standard, the SIP revision (1)