

understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-800-REG-FAIR (1-800-734-3247).

#### Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### Taking of Private Property

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Government Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of

Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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.

#### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969

(NEPA) (42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph 32(e) of the Instruction, from further environmental documentation.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. From 8 a.m. to 11 a.m. on September 25, 2005, temporarily add new section 117.T394, to read as follows:

#### § 117.T394 Upper Mississippi River.

The Rock Island Railroad and Highway Drawbridge, Mile 482.9, at Rock Island, Illinois, need not open for river traffic and may be maintained in the closed-to-navigation position.

Dated: August 5, 2005.

**Kevin L. Marshall,**

*Captain, U.S. Coast Guard, Commander, 8th Coast Guard Dist. Acting.*

[FR Doc. 05-16923 Filed 8-24-05; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[TN-2000506; FRL-7952-2]

#### Approval and Promulgation of Air Quality Implementation Plans; Knox County, Tennessee; Revised Format for Materials Being Incorporated by Reference

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

**ACTION:** Final rule; notice of administrative change.

**SUMMARY:** EPA is revising the format of part 52 of title 40 of the Code of Federal Regulations (40 CFR part 52) for materials submitted by Knox County that are incorporated by reference (IBR)

into the Tennessee State Implementation Plan (SIP). The regulations affected by this format change have all been previously submitted by the local agency and approved by EPA.

This format revision will affect the "Identification of Plan" sections of 40 CFR part 52, by adding a table for the Knox County portion of the Tennessee SIP. This revision will also affect the format of the SIP materials that will be available for public inspection at the Office of **Federal Register** (OFR), the Air and Radiation Docket and Information Center, and the Regional Office.

**DATES:** This action is effective August 25, 2005.

**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, GA 30303; the EPA, Air and Radiation Docket and Information Center, Air Docket (Mail Code 6102T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**FOR FURTHER INFORMATION CONTACT:** Ms. Stacy DiFrank at the above Region 4 address or at (404) 562-9042.

**SUPPLEMENTARY INFORMATION:** Each state has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the SIP to EPA. Once these control measures and strategies are approved by EPA, after notice and comment, they are incorporated into the federally approved SIP and are identified in 40 CFR part 52 "Approval and Promulgation of Implementation Plans." The full text of the state regulation approved by EPA is not reproduced in its entirety in 40 CFR part 52, but is "incorporated by reference." This means that EPA has approved a given state regulation with a specific effective date. The public is referred to the location of the full text version

should they want to know which measures are contained in a given SIP. The information provided allows EPA and the public to monitor the extent to which a state implements a SIP to attain and maintain the NAAQS and to take enforcement action if necessary.

The SIP is a living document which the state can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997, (62 FR 27968), EPA revised the procedures for incorporating by reference (IBR), into the Code of Federal Regulations, materials submitted by states in their EPA-approved SIP revisions. These changes revised the format for the identification of the SIP in 40 CFR part 52, streamlined the mechanisms for announcing EPA approval of revisions to a SIP, and streamlined the mechanisms for EPA's updating of the IBR information contained for each SIP in 40 CFR part 52. Pursuant to these revised procedures, EPA is revising the format for the identification of the Knox County portion of the Tennessee SIP, appearing in 40 CFR part 52. EPA has previously revised the format for the identification of the Tennessee SIP and the Memphis Shelby County portion of the SIP.

EPA has determined that today's action falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation, and APA section 553(d)(3) which allows an agency to make an action effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs. Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment for this administrative action is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice of this action in the **Federal Register** benefits the public by providing the public notice of the Knox County portion of the Tennessee SIP in Tennessee's "Identification of Plan" portion of the **Federal Register**.

## Statutory and Executive Order Reviews

### A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this administrative action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. This action is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866. Because the agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the APA or any other statute as indicated in the Supplementary Information section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This administrative action also does 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), nor will it 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 administrative action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. This administrative action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) do not apply. This administrative action also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). This administrative action does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA's compliance with these Statutes and Executive Orders for the underlying rules are discussed in previous actions

taken on Knox County, Tennessee's rules.

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

The Congressional Review Act (CRA) (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 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. Today's administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs. 5 U.S.C. 808(2). These announced actions were effective when EPA approved them through previous rulemaking actions. EPA will submit a report containing this action 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 this action in the **Federal Register**. This revision to Knox County's portion of Tennessee's SIP in the "Identification of Plan" section of 40 CFR part 52 is not a "major rule" as defined by 5 U.S.C. 804(2).

**C. Petitions for Judicial Review**

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. This action is simply an announcement of prior rulemakings that have previously undergone notice and comment rulemaking. Prior EPA rulemaking actions for each individual component of the Knox County portion of the Tennessee SIP previously

afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action.

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

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 4, 2005.

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

n 40 CFR part 52 is amended as follows:

**PART 52—[AMENDED]**

n 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart RR—Knox County, Tennessee**

n 2. Section 52.2220 is amended as follows:

- n a. By revising paragraph (b); and
- n b. Adding table 3 to paragraph (c) for Knox County, "EPA Approved Knox County Regulations".

**§ 52.2220 Identification of plan.**

\* \* \* \* \*

(b) Incorporation by reference.

(1) Material listed in paragraph (c) of this section with an EPA approval date prior to December 1, 1998, for Tennessee (Table 1 of the Tennessee State Implementation Plan), January 1, 2003, for Memphis Shelby County (Table 2 of the Memphis Shelby County portion of the Tennessee State Implementation Plan), and March 1, 2005, for Knox County (Table 3 of the Knox County portion of the Tennessee State Implementation Plan) and paragraph (d) of this section with an

EPA approval date prior to December 1, 1998 was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraph (c) of this section with EPA approval dates after December 1, 1998, for Tennessee (Table 1 of the Tennessee State Implementation Plan), January 1, 2003, for Memphis Shelby County (Table 2 of the Memphis Shelby County portion of the Tennessee State Implementation Plan) and March 1, 2005, for Knox County (Table 3 of the Knox County portion of the Tennessee State Implementation Plan) and paragraph (d) of this section with an EPA approval date after December 1, 1998 will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of the dates referenced in paragraph (b)(1).

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the EPA, Air and Radiation Docket and Information Center, Air Docket (Mail Code 6102T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460 and the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) \* \* \*

TABLE 3.—EPA APPROVED KNOX COUNTY, REGULATIONS

State section	Title/subject	State effective date	EPA approval date	Explanation
12.0	Introduction	06/18/86	08/03/89, 54 FR 31953	
13.0	Definitions	12/13/90	02/21/90, 55 FR 5985	
14.0	Ambient Air Quality Standards	07/19/89	02/21/90, 55 FR 5985	
15.0	Prohibitions of Air Pollution	06/18/86	08/03/89, 54 FR 31953	
16.0	Open Burning	01/13/93	11/05/99, 64 FR 60348	
17.0	Regulation of Visible Emissions	10/13/93	11/01/94, 59 FR 54523	
18.0	Regulation of Non-Process Emissions	10/13/93	11/01/94, 59 FR 54523	
19.0	Regulation of Process Emissions	12/11/96	06/08/98, 63 FR 31121	
20.0	Regulation of Incinerators	06/18/86	08/03/89, 54 FR 31953	
22.0	Regulation of Fugitive Dust and Materials	06/18/86	08/03/89, 54 FR 31953	
23.0	Regulation of Hydrocarbon Emissions	06/16/72	10/28/72, 37 FR 23085	
24.0	Regulation of Airborne and Windborne Materials	06/18/86	08/03/89, 54 FR 31953	
25.0	Permits	06/10/98	11/05/99, 64 FR 60348	

TABLE 3.—EPA APPROVED KNOX COUNTY, REGULATIONS—Continued

State section	Title/subject	State effective date	EPA approval date	Explanation
26.0 .....	Monitoring, Recording, and Reporting .....	06/10/92	04/28/93, 58 FR 25777	
27.0 .....	Sampling and Testing Methods .....	06/10/92	04/28/93, 58 FR 25777	
28.0 .....	Variances .....	06/10/92	04/28/93, 58 FR 25777	
29.0 .....	Appeals .....	05/25/94	12/26/95, 60 FR 66748	
30.0 .....	Violations .....	01/10/96	03/26/97, 62 FR 14327	
31.0 .....	Right of Entry .....	06/18/86	08/03/89, 54 FR 31953	
32.0 .....	Use of Evidence .....	06/18/86	08/03/89, 54 FR 31953	
33.0 .....	Confidentiality and Accessibility of Records .....	06/18/86	08/03/89, 54 FR 31953	
34.0 .....	Malfunction of Equipment .....	06/18/86	08/03/89, 54 FR 31953	
36.0 .....	Emergency Regulations .....	07/19/89	02/21/90, 55 FR 5985	
37.0 .....	Separation of Emissions .....	06/18/86	08/03/89, 54 FR 31953	
38.0 .....	Combination of Emissions .....	06/18/86	08/03/89, 54 FR 31953	
39.0 .....	Severability .....	06/18/86	08/03/89, 54 FR 31953	
41.0 .....	Regulation for the Review of New Sources .....	06/18/86	08/03/89, 54 FR 31953	
45.0 .....	Prevention of Significant Deterioration .....	06/10/92	04/28/93, 58 FR 25776	
46.0 .....	Regulation of Volatile Organic Compounds .....	11/10/98	11/03/99, 64 FR 59628	
47.0 .....	Good Engineering Practice Stack Height .....	10/13/93	11/01/94, 59 FR 54523	

\* \* \* \* \*

[FR Doc. 05-16931 Filed 8-24-05; 8:45 am]

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