

adopted by voluntary consensus standards bodies.

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

Environment

We have analyzed this final 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. It has been determined that this final rule does not significantly impact the environment.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

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

PART 117—[AMENDED]

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

Authority: 33 U.S.C. 499; 33 CFR 1.05–1(g); Department of Homeland Security Delegation No. 170.1; section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. Revise § 117.T536 to read as follows:

§ 117.T536 Townsend Gut.

The draw of the SR 27 Bridge, mile 0.7, across Townsend Gut shall operate as follows:

(a) From September 6, 2005 through November 30, 2005, the SR 27 Bridge shall open on signal at 6 a.m., 12 p.m., 6 p.m., and 8 p.m., after at least a half-hour advance notice is given by calling the number posted at the bridge. At all other times from 8 p.m. to 6 a.m. the draw shall open on signal.

(b) From September 19, 2005 through September 27, 2005, the bridge need not open for the passage of vessel traffic.

Dated: August 25, 2005.

Mark J. Campbell,

Captain, U.S. Coast Guard, Acting First District Commander.

[FR Doc. 05–17714 Filed 9–1–05; 2:26 pm]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DC102–2050; FRL–7953–9]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Notice of administrative change.

SUMMARY: EPA is updating the materials submitted by the District of Columbia that are incorporated by reference (IBR) into the State implementation plan (SIP). The regulations affected by this update have been previously submitted by the State agency and approved by EPA. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA), the Air and Radiation Docket and Information Center located at EPA Headquarters in Washington, DC, and the EPA Regional Office.

EFFECTIVE DATE: This action is effective September 6, 2005.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue NW., Room B108, Washington, DC 20460; or 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.

FOR FURTHER INFORMATION CONTACT: Harold A. Frankford, (215) 814–2108 or by e-mail at frankford.harold@epa.gov.

SUPPLEMENTARY INFORMATION:

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 Federally-approved SIPs, as a result of consultations between EPA and Office

of the Federal Register (OFR). The description of the revised SIP document, IBR procedures and “Identification of plan” format are discussed in further detail in the May 22, 1997 *Federal Register* document.

On December 7, 1998, (63 FR 67407) EPA published a document in the *Federal Register* beginning the new IBR procedure for the District of Columbia. On August 6, 2004 (69 FR 47773), EPA published an update to the IBR material for the District of Columbia. In this action, EPA is doing the following:

1. Announcing the second update to the material being IBR’ed.
 2. Making corrections to the chart listed in § 52.470(c), as described below:
 - a. Chapter 1 (General), Section 199 (Definitions and Abbreviations)—Entries for Section 199 which were inadvertently removed by a December 28, 2004 rulemaking action are being restored to the table.
 - b. Chapter 3 (Operating Permits), Section 307, the State effective date is revised to read “4/16/04.”
 - c. Chapter 6 (Particulates), Section 600.1—In the “Additional explanation” column, a brief description of the revision is added.
 - d. Chapter 7 (Volatile Organic Compounds), Section 715—the State effective date is revised to read “4/16/04.”
 - e. Chapter 7, Sections 749 through 754—an entry is added to the “Additional explanation” column to reference a related correction final rulemaking action.
 - f. Chapter 7, Section 799—An entry for Section 799 which was inadvertently deleted by a December 23, 2004 rulemaking action is being restored.
 - g. Chapter 7, Section 799—The entry in the “Title/subject” column is revised to read “Definitions and Abbreviations.”
 - h. Chapter 7, Section 799—Language is added to the “Additional explanation” column to provide a brief explanation of the entries for this section.
 - i. Chapter 8 (Asbestos, Sulfur, and Nitrogen Oxides), Section 805—In the “EPA approval date” column, the *Federal Register* page citation is revised, and the language in the “Additional explanation” section is revised to include citations for all of the revised paragraphs.
- EPA has determined that today’s falls under the “good cause” exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding “good cause,” authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately

(thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's 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 is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations and incorrect chart entries.

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. 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**. This rule 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. Prior EPA rulemaking actions for each individual component of the District of Columbia SIP compilations had 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. Thus, EPA sees no

need in this action to reopen the 60-day period for filing such petitions for judicial review for these "Identification of plan" update actions for the District of Columbia.

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 9, 2005.

Thomas Voltaggio,

Acting Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart J—District of Columbia

■ 2. Section 52.470 is amended by revising paragraphs (b) and (c) to read as follows:

§ 52.470 Identification of plan.

* * * * *

(b) Incorporation by reference.

(1) Material listed as incorporated by reference in paragraphs (c) and (d) 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. The material incorporated is 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 paragraphs (c) and (d) of this section with EPA approval dates on or after August 1, 2005 will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region III certifies that the rules/regulations provided by EPA 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 August 1, 2005.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region III Office at 1650 Arch Street, Philadelphia, PA 19103; the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 1301 Constitution Avenue NW., Room B108, Washington, DC 20460; or at the National Archives and Records Administration (NARA). For information on the availability of

this material at NARA, call 202-741- code_of_federal_regulations/
 6030, or go to: http://www.archives.gov/ ibr_locations.html.
 federal_register/ (c) EPA-approved regulations.

EPA-APPROVED DISTRICT OF COLUMBIA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
District of Columbia Municipal Regulations (DCMR), Title 20—Environment				
Chapter 1—General				
Section 100	Purpose, Scope and Construction	3/15/85	8/28/95, 60 FR 44431 ...	
Section 101	Inspection	3/15/85	8/28/95, 60 FR 44431 ...	
Section 102	Orders for Compliance	3/15/85	8/28/95, 60 FR 44431 ...	
Section 104	Hearings	3/15/85	8/28/95, 60 FR 44431 ...	
Section 105	Penalty	3/15/85	8/28/95, 60 FR 44431 ...	
Section 106	Confidentiality of Reports	3/15/85	8/28/95, 60 FR 44431 ...	
Section 107	Control Devices or Practices	3/15/85	8/28/95, 60 FR 44431 ...	
Section 199	Definitions and Abbreviations	4/29/97	7/31/97, 62 FR 40937 ...	
Section 199	Definitions and Abbreviations	4/29/97	12/7/99, 62 FR 68293 ...	Definitions of the terms Actual emissions, allowable emissions, begin actual construction, commence, complete, major modification, necessary preconstruction approvals or permits, net emissions increase, new source, potential to emit, shutdown, and significant.
Section 199	Defintions and Abbreviations	12/8/00	5/9/01, 66 FR 23614	definition of "carrier".
Section 199	Definitions and Abbreviations	4/16/04	12/28/04, 69 FR 77647	Revised Definition of Major Stationary Source.
Section 8-2: 702 ...	Definitions; definition of "stack" ...	7/7/72	9/22/72, 37 FR 19806 ...	
Section 8-2: 724 ...	Variances	7/7/72	9/22/72, 37 FR 19806 ...	
Chapter 2—General and Non-attainment Area Permits				
Section 200	General Permit Requirements	4/29/97	7/31/97, 62 FR 40937 ...	
Section 201	General Requirements for Permit Issuance.	4/29/97	7/31/97, 62 FR 40937 ...	
Section 202	Modification, Revocation and Termination of Permits.	4/29/97	7/31/97, 62 FR 40937 ...	
Section 204	Permit Requirements for Sources Affecting Nonattainment Areas.	4/16/04	12/28/04, 69 FR 77647	Revised Paragraph 204.4.
Section 206	Notice and Comment Prior to Permit Issuance.	4/29/97	7/31/97, 62 FR 40937 ...	
Section 299	Definitions and Abbreviations	4/29/97	7/31/97, 62 FR 40937 ...	
Section 8-2:720(c)	Permits to Construct or Modify; Permits to Operate.	7/7/72	9/22/72, 37 FR 19806 ...	Requirement for Operating Permit.
Chapter 3—Operating Permits				
Section 307	Enforcement for Severe Ozone Nonattainment Areas.	4/16/04	12/28/04, 69 FR 77639	Provision allowing for the District to collect penalty fees from major stationary sources if the nonattainment area does not attain the ozone standard by the statutory attainment date.
Chapter 4—Ambient Monitoring, Emergency Procedures, Chemical Accident Prevention and Conformity				
Section 400	Air Pollution Reporting Index	3/15/85	8/28/95, 60 FR 44431 ...	
Section 401	Emergency Procedures	3/15/85	8/28/95, 60 FR 44431 ...	
Section 403	Determining Conformity of Federal Actions to State or Federal Implementation Plans.	11/6/98	6/5/03, 68 FR 33638	
Section 499	Definitions and Abbreviations	3/15/85	8/28/95, 60 FR 44431 ...	
Chapter 5—Source Monitoring and Testing				
Sections 500.1 through 500.3.	Records and Reports	3/15/85	8/28/95, 60 FR 44431 ...	
Sections 500.4, 500.5.	Records and Reports	9/30/93	1/26/95, 60 FR 5134	
Section 500.6	Records and Reports	9/30/93	10/27/99, 64 FR 57777	

EPA-APPROVED DISTRICT OF COLUMBIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Section 500.7	Records and Reports—Emission Statements.	9/30/93	5/26/95, 60 FR 27944 ...	Exceptions: Paragraphs 5.11, 5.12 and 5.14 are not part of the SIP.
Section 501	Monitoring Devices	3/15/85	8/28/95, 60 FR 44431 ...	
Sections 502.1 through 502.15.	Sampling, Tests and Measurements.	3/15/85	8/28/95, 60 FR 44431 ...	
Section 502.17	Sampling Tests, and Measurements.	9/30/93	10/27/99, 64 FR 57777	
Section 502.18	Sampling Tests, and Measurements.	12/8/00	5/9/01, 66 FR 23614	
Section 599	Definitions and Abbreviations	9/30/93	10/27/99, 64 FR 57777	

Chapter 6—Particulates

Section 600	Fuel-Burning Particulate Emissions.	4/16/04	12/28/04, 69 FR 77645	Revision to paragraph 600.1.
Section 601	Rotary Cup Burners	3/15/85	8/28/95, 60 FR 44431 ...	
Section 602	Incinerators	3/15/85	8/28/95, 60 FR 44431 ...	
Section 603	Particulate Process Emissions	3/15/85	8/28/95, 60 FR 44431 ...	
Section 604	Open Burning	3/15/85	8/28/95, 60 FR 44431 ...	
Section 605	Control of Fugitive Dust	3/15/85	8/28/95, 60 FR 44431.	
Section 606	Visible Emissions	3/15/85	8/28/95, 60 FR 44431 ...	
Section 699	Definitions and Abbreviations	3/15/85	8/28/95, 60 FR 44431 ...	

Chapter 7—Volatile Organic Compounds

Section 700	Organic Solvents	3/15/85	10/27/99, 64 FR 57777	Revised paragraphs 715.2, 715.3, and 715.4(b).
Section 701.1 through 701.13.	Storage of Petroleum Products	3/15/85	10/27/99, 64 FR 57777	
Section 702	Control of VOC leaks from Petroleum Refinery Equipment.	3/15/85	10/27/99, 64 FR 57777	
Section 703.2, 703.3	Terminal Vapor Recovery—Gasoline or VOCs.	3/15/85	10/27/99, 64 FR 57777	
Section 703.1, 703.4 through 703.7.	Terminal Vapor Recovery—Gasoline or VOCs.	9/30/93	10/27/99, 64 FR 57777	
Section 704	Stage I—Vapor Recovery	3/15/85	10/27/99, 64 FR 57777	
Section 705.1 through 705.3.	Stage II—Gasoline Vapor Recovery.	9/30/93	10/27/99, 64 FR 57777	
Section 705.4 through 705.14.	Stage II—Gasoline Vapor Recovery.	3/15/85	10/27/99, 64 FR 57777	
Section 706	Petroleum Dry Cleaners	3/15/85	10/27/99, 64 FR 57777	
Section 707	Perchloroethylene Dry Cleaning ..	3/15/85	10/27/99, 64 FR 57777 ..	
Section 708	Solvent Cleaning (Degreasing)	3/15/85	10/27/99, 64 FR 57777	
Section 709	Asphalt Operations	3/15/85	10/27/99, 64 FR 57777	
Section 710	Engraving and Plate Printing	3/15/85	8/4/92, 57 FR 34249	
Section 711	Pumps and Compressors	3/15/85	10/27/99, 64 FR 57777	
Section 712	Waste Gas Disposal from Ethylene Producing Plant.	3/15/85	10/27/99, 64 FR 57777	
Section 713	Waste Gas Disposal from Vapor Blow-down System.	3/15/85	10/27/99, 64 FR 57777	
Section 715	Reasonably Available Control Technology.	4/16/04	12/28/04, 69 FR 77647	
Section 716	Offset Lithography	10/2/98	10/27/99, 64 FR 57777	
Section 718	Mobile Equipment Repair and Refinishing.	11/26/04	12/23/05, 69 FR 76855	
Section 719	Consumer Products—General Requirements.	4/16/04, 11/26/04	12/28/04, 69 FR 77642	
Section 720	Consumer Products—VOC Standards.	4/16/04, 11/28/04	12/28/04, 69 FR 77642	
Section 721	Consumer Products—Exemptions from VOC Standards.	04/16/04, 11/28/04	12/28/04, 69 FR 77642	
Section 722	Consumer Products—Registered Under FIFRA.	04/16/04, 11/28/04	12/28/04, 69 FR 77642	
Section 723	Consumer Products—Products Requiring Dilution.	04/16/04, 11/28/04	12/28/04, 69 FR 77642	
Section 724	Consumer Products—Ozone Depleting Compounds.	04/16/04, 11/28/04	12/28/04, 69 FR 77642	
Section 725	Consumer Products—Aerosol Adhesives.	4/16/04, 11/28/04	12/28/04, 69 FR 77642	
Section 726	Consumer Products—Antiperspirants or Deodorants.	4/16/04, 11/28/04	12/28/04, 69 FR 77642	

EPA-APPROVED DISTRICT OF COLUMBIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Section 727	Consumer Products—Charcoal Lighter Materials.	4/16/04, 11/28/04	12/28/04, 69 FR 77642	
Section 728	Consumer Products—Floor Wax Strippers.	4/16/04, 11/28/04	12/28/04, 69 FR 77642	
Section 729	Consumer Products—Labeling of Contents.	4/16/04, 11/28/04	12/28/04, 69 FR 77642	
Section 730	Consumer Products—Reporting Requirements.	4/16/04, 11/28/04	12/28/04, 69 FR 77642	
Section 731	Consumer Products—Test Methods.	4/16/04, 11/28/04	12/28/04, 69 FR 77642	
Section 732	Consumer Products—Alternative Control Plans.	4/16/04, 11/28/04	12/28/04, 69 FR 77642	
Section 733	Consumer Products—Innovative Products Exemption.	4/16/04, 11/28/04	12/28/04, 69 FR 77642	
Section 734	Consumer Products—Variance Requests.	4/16/04, 11/28/04	12/28/04, 69 FR 77642	
Section 735	Portable Fuel Containers and Spouts—General Requirements.	4/16/04, 11/26/04	12/29/04, 69 FR 77903	
Section 736	Portable Fuel Containers and Spouts—Performance Standards.	4/16/04, 11/26/04	12/29/04, 69 FR 77903	
Section 737	Portable Fuel Containers and Spouts—Exemptions From Performance Standards.	4/16/04, 11/26/04	12/29/04, 69 FR 77903	
Section 738	Portable Fuel Containers and Spouts—Labeling Requirements.	4/16/04, 11/26/04	12/29/04, 69 FR 77903	
Section 739	Portable Fuel Containers and Spouts—Testing Procedures.	4/16/04, 11/26/04	12/29/04, 69 FR 77903	
Section 740	Portable Fuel Containers and Spouts—Innovative Product Exemption.	4/16/04, 11/26/04	12/29/04, 69 FR 77903	
Section 741	Portable Fuel Containers and Spouts—Variance.	4/16/04, 11/26/04	12/29/04, 69 FR 77903	
Section 742	Solvent Cleaning—General Requirements.	4/16/04, 11/26/04	12/29/04, 69 FR 77906	
Section 743	Solvent Cleaning—Cold Cleaning	4/16/04, 11/26/04	12/29/04, 69 FR 77906	
Section 744	Solvent Cleaning—Batch Vapor Cleaning.	4/16/04, 11/26/04	12/29/04, 69 FR 77906	
Section 745	Solvent Cleaning—In-Line Vapor Cleaning.	4/16/04, 11/26/04	12/29/04, 69 FR 77906	
Section 746	Solvent Cleaning—Airless and Air-Tight Cleaning.	4/16/04, 11/26/04	12/29/04, 69 FR 77906	
Section 747	Solvent Cleaning—Alternative Compliance.	4/16/04, 11/26/04	12/29/04, 69 FR 77906	
Section 748	Solvent Cleaning—Record-keeping and Monitoring.	4/16/04, 11/26/04	12/29/04, 69 FR 77906	
Section 749	Architectural and Industrial Maintenance Coating—General Requirements.	4/16/04, 11/26/04	5/12/05, 70 FR 24959 ...	Correction FRN published 5/19/05 (70 FR 28988).
Section 750	Architectural and Industrial Maintenance Coating—Standards.	4/16/04, 11/26/04	5/12/05, 70 FR 24959 ...	
Section 751	Architectural and Industrial Maintenance Coating—Exemptions.	4/16/04, 11/26/04	5/12/05, 70 FR 24959 ...	
Section 753	Architectural and Industrial Maintenance Coating—Reporting Requirements.	4/16/04, 11/26/04	5/12/05, 70 FR 24959 ...	
Section 754	Architectural and Industrial Maintenance Coating—Testing Requirements.	4/16/04, 11/26/04	5/12/05, 70 FR 24959 ...	
Section 799	Definitions and Abbreviations	09/30/93	10/27/99, 64 FR 57777	
	.....	11/26/04	12/23/04, 69 FR 76855	Definitions related to Section 718
	.....	4/16/04	12/28/04, 69 FR 77642	Definitions related to Sections 719 through 734
	.....	11/26/04	12/29/04, 69 FR 77903	Definitions related to Sections 735 through 741
	.....	4/16/04, 11/26/04	12/29/04, 69 FR 77906	Definitions related to Sections 742 through 748

EPA-APPROVED DISTRICT OF COLUMBIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
	4/16/04, 11/26/04	5/12/05, 70 FR 24959 ...	Definitions related to Sections 748 through 754. Correction FRN published 5/19/05 (70 FR) 28988.

Chapter 8—Asbestos, Sulfur and Nitrogen Oxides

Section 801	Sulfur Content of Fuel Oils	3/15/85	8/28/95, 60 FR 44431 ...	Revised paragraphs 805.1(a), 805.1(a)(3) and (4), 805.1(b) and (c), 805.5(b) and (c), 805.6, and 805.7.
Section 802	Sulfur Content of Coal	3/15/85	8/28/95, 60 FR 44431 ...	
Section 803	Sulfur Process Emissions	3/15/85	8/28/95, 60 FR 44431 ...	
Section 804	Nitrogen Oxide Emissions	3/15/85	8/28/95, 60 FR 44431 ...	
Section 805	Reasonably Available Control Technology for Major Stationary Sources of Oxides of Nitrogen.	4/16/04	12/28/04, 69 FR 77645, 69 FR 77647.	
Section 899	Definitions and Abbreviations	3/15/85	8/28/95, 60 FR 44431 ...	

Chapter 9—Motor Vehicle Pollutants, Lead, Odors, and Nuisance Pollutants

Section 904	Oxygenated Fuels	7/25/97	5/9/01, 66 FR 23614	Addition of subsection 904.3 to make the oxygenated gasoline program a CO contingency measure.
Section 915	National Low Emissions Vehicle Program.	2/11/00	7/20/00, 65 FR 44981 ...	
Section 999	Definitions and Abbreviations	2/11/00	7/20/00, 69 FR 44981 ...	

Chapter 10—Nitrogen Oxides Emissions Budget Program

Section 1000	Applicability	12/8/00	12/22/00, 65 FR 80783	
Section 1001	General Provisions	12/8/00	12/22/00, 65 FR 80783	
Section 1002	Allowance Allocation	12/8/00	12/22/00, 65 FR 80783	
Section 1003	Permits	12/8/00	12/22/00, 65 FR 80783	
Section 1004	Allowance Transfer and Use	12/8/00	12/22/00, 65 FR 80783	
Section 1005	Allowance Banking	12/8/00	12/22/00, 65 FR 80783	
Section 1006	NO _x Allowance Tracking system	12/8/00	12/22/00, 65 FR 80783	
Section 1007	Emission Monitoring	12/8/00	12/22/00, 65 FR 80783	
Section 1008	Record Keeping	12/8/00	12/22/00, 65 FR 80783	
Section 1009	Reporting	12/8/00	12/22/00, 65 FR 80783	
Section 1010	End-of-Season Reconciliation	12/8/00	12/22/00, 65 FR 80783	
Section 1011	Compliance Certification	12/8/00	12/22/00, 65 FR 80783	
Section 1012	Penalties	12/8/00	12/22/00, 65 FR 80783	
Section 1013	Program Audit	12/8/00	12/22/00, 65 FR 80783	
Section 1014	NO _x Budget Trading Program for State Implementation Plans.	5/1/01	11/1/01, 66 FR 55099 ...	
Section 1099	Definitions and Abbreviations	12/8/00	12/22/00, 65 FR 80783	

Appendices

Appendix 1	Emission Limits for Nitrogen Oxide.	3/15/85	8/28/95, 60 FR 44431 ...	
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[FR Doc. 05-17538 Filed 9-2-05; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 81**

[R09-OAR-2005-AZ-0003; FRL-7960-8]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arizona; Correction of Redesignation of Phoenix to Attainment for the Carbon Monoxide Standard**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

SUMMARY: In today's action, EPA is taking direct final action to amend the regulations that identify revisions to the Arizona state implementation plan and the regulations that identify area designations within Arizona. In so doing, EPA is acting pursuant to the Agency's authority under the Clean Air Act to correct errors made in approving plan revisions and area redesignations. The purpose of this action is to correct an error in the adoption and submittal date shown for a revision to the implementation plan that EPA recently approved and to correct a transcription error in, and to make a more general correction to, the boundary description of the metropolitan Phoenix carbon monoxide area that EPA recently redesignated to attainment.

EFFECTIVE DATE: This rule is effective on November 7, 2005, without further notice, unless we receive adverse comments by October 6, 2005. If we receive adverse comments, we will publish a timely withdrawal in the *Federal Register* to notify the public that this rule will not take effect.

ADDRESSES: Submit comments, identified by docket number R09-OAR-2005-AZ-___, by one of the following methods:

1. *Agency Web site:* <http://docket.epa.gov/rmepub/>. EPA prefers receiving comments through this electronic public docket and comment system. Follow the on-line instructions to submit comments.

2. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions.

3. *E-mail:* tax.wienke@epa.gov.

4. *Mail or deliver:* Wienke Tax, Office of Air Planning (AIR-2), U.S. Environmental Protection Agency,

Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Instructions: All comments will be included in the public docket without change and may be made available online at <http://docket.epa.gov/rmepub/>, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through the agency Web site, eRulemaking portal, or e-mail. The agency Web site and eRulemaking portal are "anonymous access" systems, and EPA will not know your identify or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Docket: The index to the docket for this action is available electronically at <http://docket.epa.gov/rmepub> and in hard copy at EPA Region 9, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Wienke Tax, Air Planning Office (AIR-2), U.S. Environmental Protection Agency, Region 9, (520) 622-1622 or e-mail to tax.wienke@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, the terms "we," "us," and "our" refer to EPA.

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I. Background

On March 9, 2005, pursuant to the Clean Air Act (CAA), we published a final rulemaking action (1) approving various plan elements contained in two submittals of revisions to the Arizona state implementation plan (SIP) by the Arizona Department of Environmental Quality (ADEQ), (2) approving Arizona's request for the redesignation of the metropolitan Phoenix carbon monoxide

(CO) area to attainment for the carbon monoxide (CO) national ambient air quality standard (NAAQS), and (3) redesignating the boundary of the metropolitan Phoenix CO area to exclude the Gila River Indian Reservation. See 70 FR 11553 (March 9, 2005). Our March 9th final rulemaking contained amendments to 40 CFR part 52 relating to the two SIP submittals and amendments to 40 CFR part 81 relating to the redesignation actions. Three of these amendments were incorrect.

First, in the regulatory language we added as 40 CFR 52.120(c)(118), we incorrectly listed ADEQ's adoption and submittal date for the *Revised MAG 1999 Serious Area Carbon Monoxide Plan for the Maricopa County Nonattainment Area* (March 2001) as March 30, 2001. The correct date for both ADEQ's adoption and submittal of this plan (to EPA) as a revision to the Arizona SIP is April 18, 2001 and today's action revises 40 CFR 52.120(c)(118) accordingly.

Second, in 40 CFR 81.303, which contains a table describing in detail the metropolitan Phoenix CO area, we did not intend any change to paragraph 13 as codified prior to our March 9th final rule except for the added phrase at the end of the paragraph ("except that portion in the Gila River Indian Reservation"), but, through transcription error, we made other changes to that paragraph that were unintended. In today's notice, we are correcting paragraph 13 by reinstating the prior language.

Third, also in the CO table in 40 CFR 81.303, we codified our action to redesignate the boundary of the metropolitan Phoenix CO area to exclude the Gila River Indian Reservation by adding the phrase, "except that portion in the Gila River Indian Reservation," to the end of each of the 28 paragraphs that describe the metropolitan Phoenix CO area. In 40 CFR 81.303, the metropolitan Phoenix CO area is described by reference to a point of origin (paragraph 1) that lies at the southeast corner of the area followed by a series of 27 contiguous lines (paragraphs 2 through 28) that starts at the point of origin and proceeds in a counter-clockwise direction back to the point of origin. We now find that excluding "the portion in the Gila River Indian Reservation" from the point of origin and from each of the lines that collectively define the CO area was erroneous because the description, as revised in our March 9th final rule, is ambiguous as to its southern boundary.

We continue to believe that the redesignation of the boundary of the metropolitan Phoenix CO area to