

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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 5, 2007. 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, Carbon monoxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 20, 2006.  
**A. Stanley Meiburg,**  
*Acting 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 RR—Tennessee**

■ 2. Section 52.2220(c) is amended by revising entries in Table 3 of the Knox County portion of the Tennessee State Implementation Plan, for "Section 16.0," "Section 25.0," and "Section 46.0" to read as follows:

**§ 52.2220 Identification of plan.**

\* \* \* \* \*  
 (c) \* \* \*

TABLE 3.—EPA APPROVED KNOX COUNTY, REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Section 16.0 .....	Open Burning .....	12/14/05	01/03/07 [Insert citation of publication].	*
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Section 25.0 .....	Permits .....	03/08/00	01/03/07 [Insert citation of publication].	*
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Section 46.0 .....	Regulation of Volatile Organic Compounds.	10/8/04	01/03/07 [Insert citation of publication].	*
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 [FR Doc. E6-22475 Filed 12-29-06; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R04-OAR-2005-TN-0009, EPA-R04-OAR-2006-0471, EPA-R04-OAR-2006-0532, 2006014(a); FRL-8265-8]

**Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Tennessee State Implementation Plan (SIP) submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), on December 21,

1999, March 15, 2000, and January 12, 2001. The revisions pertain to the Knox County portion of the Tennessee SIP and include changes to the Knox County Air Quality Regulations (KCAQR) Section 13.0—"Definitions" and Section 22.0—"Regulation of Fugitive Dust and Materials." These revisions are part of Knox County's strategy to attain and maintain the national ambient air quality standards (NAAQS), and are considered by the TDEC to be at least as stringent as the State's requirements. This action is being taken pursuant to section 110 of the Clean Air Act (CAA).

**DATES:** This direct final rule is effective March 5, 2007 without further notice, unless EPA receives adverse comment by February 2, 2007. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID Nos. EPA-R04-OAR-2005-TN-0009, EPA-R04-OAR-2006-0471, and EPA-R04-OAR-2006-0532, by one of the following methods:

1. *http://www.regulations.gov*: Follow the online instructions for submitting comments.
  2. *E-mail:* louis.egide@epa.gov.
  3. *Fax:* (404) 562-9019.
  4. *Mail:* "EPA-R04-OAR-2005-TN-0009," "EPA-R04-OAR-2006-0471," or "EPA-R04-OAR-2006-0532," Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960.
  5. *Hand Delivery or Courier:* Dr. Egide Louis, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.
- Instructions:* Direct your comments to Docket ID No. EPA-R04-OAR-2005-

TN-0009; EPA-R04-OAR-2006-0471, or EPA-R04-OAR-2006-0532. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through <http://www.regulations.gov> or e-mail, information that you consider to be CBI or otherwise protected. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**Docket:** All documents in the electronic docket are listed in the <http://www.regulations.gov> index. 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 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 <http://www.regulations.gov> or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional

Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Dr. Egide Louis, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9240. Dr. Louis can also be reached via electronic mail at [louis.egide@epa.gov](mailto:louis.egide@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Analysis of State Submittals**

On December 21, 1999, March 16, 2000, and January 12, 2001, the State of Tennessee, through TDEC, submitted proposed revisions to the Tennessee SIP. The revisions pertain to the Knox County portion of the Tennessee SIP and include changes to KCAQR Section 13.0—"Definitions" and Section 22.0—"Regulation of Fugitive Dust and Materials." These revisions were initially submitted for review to TDEC, which found them to be at least as stringent as the State's requirements. TDEC then prepared the SIP submittal for EPA review. The rule changes described in each submittal became State effective on December 7, 1999, March 8, 2000, and January 10, 2001, respectively. The rule changes are part of Knox County's strategy to attain and maintain the NAAQS, and are approvable into the Tennessee SIP pursuant to section 110 of the CAA.

The December 21, 1999, and March 16, 2000, SIP submittals included changes to KCAQR Section 13.0—"Definitions." The December 21, 1999, submittal included a change to KCAQR Section 13.1 to clarify existing definitions and add a more complete list of definitions. EPA reviewed these general definitions with regard to consistency with the current Tennessee SIP and federal law, generally. These definitions are substantially the same as those in the current Tennessee SIP, and as a result, they are at least as stringent as the Tennessee definitions already included in the SIP. Furthermore, the definitions are at least as stringent as general federal definitions. Section 13.0 is a general definitions section only; different programs described in the Knox County rules, such as the prevention of significant deterioration program, may include more specific definitions applicable to that program. The changes being approved today are summarized below:

1. Knox County added definitions for the following terms: calendar quarter, excess emissions, fuel burning

equipment, garbage, national emission standards for hazardous air pollutants, point source, reasonably available control technology, shutdown, and startup.

2. Knox County moved definitions for the terms PM<sub>10</sub>, PM<sub>10</sub> emissions, and total suspended solids from the "Abbreviations" section to the "Definitions" section, within Section 13.0.
3. Knox County changed the definition for the term existing source to adopt the language in the Tennessee Administrative Code Chapter 1200-3-2-.01—"Definitions."
4. Knox County changed the definition for the term non-process emissions by omitting the reference to Section 13.40. Section 13.40 was deleted as a result of the reformatting and change in the numbering system of Section 13.0, which is discussed below.
5. Knox County reformatted Section 13.0 to include a definitions part and an abbreviations part. Knox County also changed the numbering system of Section 13.0 to accommodate both the definitions and abbreviations.

The March 16, 2000, SIP submittal included additional changes to KCAQR Section 13.0. Specifically, Knox County revised the definition of "PM<sub>10</sub> Emissions" to exclude uncombined water. This change was made in response to EPA comments described in a letter to the Knox County Department of Air Quality Management on October 13, 1999. In this letter, which is included in the Docket for this action, EPA commented that for Knox County's definition to be consistent with the definition contained in 40 CFR 51.100, the PM<sub>10</sub> emissions definition should not include "uncombined water."

The March 16, 2000, SIP submittal also included changes to KCAQR Section 16.0—"Open Burning" and Section 25.0—"Permits." EPA is not discussing those changes at this time. EPA will address those changes in a separate action described in a separate **Federal Register** notice.

The January 12, 2001, SIP submittal included changes to KCAQR Section 22.0—"Regulation of Fugitive Dust and Materials." Specifically, the changes added the "paving of roadways" as a new activity for which reasonable precautions have to be taken to prevent particulate matter from becoming airborne. The list of activities for which reasonable precautions must be taken to control particulate matter now includes both the paving of roadways and the maintenance of roadways (which was moved from Section 22.1.E to 22.1.H).

## II. Final Action

EPA is taking direct final action to approve the above-described revisions to the Tennessee SIP, to incorporate changes made by Knox County to KCAQR Sections 13.0—"Definitions," and 22.0—"Regulation of Fugitive Dust and Materials." EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be submitted. This rule will be effective March 5, 2007 without further notice unless the Agency receives adverse comments by February 2, 2007.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on March 5, 2007 and no further action will be taken on the proposed rule. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of the rules discussed herein, and if that provision may be severed from the remainder of the rules, we may adopt as final those provisions of the rules that are not the subject of an adverse comment.

## III. 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, 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 state law as meeting a Federal standard. As a result, it does not alter the relationship or the distribution of power and responsibilities established in the CAA. 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 CAA. 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 CAA. 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 5, 2007. 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, Carbon monoxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 20, 2006.

A. Stanley Meiburg,

Acting 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 RR—Tennessee

■ 2. Section 52.2220(c) is amended by revising entries in Table 3 of the Knox County portion of the Tennessee State Implementation Plan, for "Section 16.0" and "Section 22.0," to read as follows:

#### § 52.2220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

TABLE 3.—EPA APPROVED KNOX COUNTY, REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
13.0	Definitions	03/08/00	01/03/07 [Insert citation of publication].	
22.0	Regulation of Fugitive Dust and Materials.	1/10/01	01/03/07 [Insert citation of publication].	

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[FR Doc. E6-22482 Filed 12-29-06; 8:45 am]  
BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[EPA-HQ-OAR-2004-0238; FRL-8264-1]

RIN 2060-AM16

**National Emission Standards for Hazardous Air Pollutants for Source Categories From Oil and Natural Gas Production Facilities**

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

**ACTION:** Final rule.

**SUMMARY:** This action promulgates national emission standards for hazardous air pollutants to regulate hazardous air pollutant emissions from oil and natural gas production facilities that are area sources. The final national emission standards for hazardous air pollutants for major sources was promulgated on June 17, 1999, but final action with respect to area sources was deferred. Oil and natural gas production is identified in the Urban Air Toxics Strategy as an area source category for regulation under section 112(c)(3) of the Clean Air Act because of benzene emissions from triethylene glycol dehydration units located at such facilities. This final rule also amends a

general provision in the regulation to allow the use of an ASTM standard as an alternative test method to EPA Method 18 in the National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities.

**DATES:** This final rule is effective on January 3, 2007. The incorporation by reference of certain publications listed in these rules is approved by the Director of the Federal Register as of January 3, 2007.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2004-0238. All documents in the docket are listed either on the [www.regulations.gov](http://www.regulations.gov) Web site or in the legacy docket, A-94-04. Although listed in the index, some information is not publicly available, e.g., confidential business information 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 [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air and Radiation Docket, EPA West, Room B-102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is

(202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1742. **Note:** The EPA Docket Center suffered damage due to flooding during the last week of June 2006. The Docket Center is continuing to operate. However, during the cleanup, there will be temporary changes to Docket Center telephone numbers, addresses, and hours of operation for people who wish to make hand deliveries or visit the Public Reading Room to view documents. Consult EPA's **Federal Register** notice at 71 FR 38147 (July 5, 2006) or the EPA Web site at <http://www.epa.gov/epahome/dockets.htm> for current information on docket operations, locations, and telephone numbers. The Docket Center's mailing address for U.S. mail and the procedure for submitting comments to [www.regulations.gov](http://www.regulations.gov) are not affected by the flooding and will remain the same.

**FOR FURTHER INFORMATION CONTACT:** Greg Nizich, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Coatings and Chemicals Group (E143-01), Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541-3078; fax number: (919) 541-0246; e-mail address: [nizich.greg@epa.gov](mailto:nizich.greg@epa.gov).

**SUPPLEMENTARY INFORMATION:** *Regulated Entities.* Entities potentially affected by this final rule include, but are not limited to, the following:

Category	NAICS Code*	Examples of regulated entities
Industry	211111, 211112	Condensate tank batteries, glycol dehydration units, and natural gas processing plants.

\* North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility would be regulated by this action, you should

examine the applicability criteria in 40 CFR part 63, subpart HH, National Emissions Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities. If you have any questions regarding the applicability of

this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section. *Worldwide Web (WWW).* In addition to being available in the docket, an electronic copy of this final rule is also