

TABLE 1.—EPA-APPROVED KENTUCKY REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
401 KAR 51:001	Definitions for 401 KAR Chapter 51.	07/14/2004	07/11/06 [Insert citation of publication].	EPA is taking no action on definitions (38) "Clean Unit" and (188) "Pollution Control Project".
401 KAR 51:017	Prevention of significant deterioration of air quality.	07/14/2004	07/11/06 [Insert citation of publication].	EPA is taking no action on sections 20, 21, and 22.
401 KAR 51:052	Review of new sources in or impacting upon nonattainment areas.	07/14/2004	07/11/06 [Insert citation of publication].	EPA is taking no action on sections 11, 12, and 13.

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 [FR Doc. 06-6089 Filed 7-10-06; 8:45 am]
 BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2006-0296; FRL-8191-8]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_x RACT Determinations for Eight Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve revisions to the Commonwealth of Pennsylvania State Implementation Plan (SIP). The revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for seven major sources of volatile organic compounds (VOC) and one source of nitrogen oxides (NO_x)

pursuant to the Commonwealth of Pennsylvania's (Pennsylvania's or the Commonwealth's) SIP-approved generic RACT regulations. EPA is approving these revisions in accordance with the Clean Air Act (CAA).

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

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2006-0296. All documents in the docket are listed in the www.regulations.gov Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are

available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: LaKeshia N. Robertson, (215) 814-2113, or by e-mail at robertson.lakeshia@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On April 27, 2006 (71 FR 24834), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. The NPR proposed approval of formal SIP revisions submitted by Pennsylvania on March 27, 1995, August 1, 1995, January 10, 1996, March 21, 1996, October 18, 1996, June 22, 1999, and July 28, 1999. These SIP revisions consist of source-specific operating permits issued by PADEP to establish and require RACT pursuant to the Commonwealth's SIP-approved generic RACT regulations. The following table identifies the sources and the individual operating permits (OPs) which are the subject of this rulemaking.

PENNSYLVANIA.—VOC AND NO_x RACT DETERMINATIONS FOR INDIVIDUAL SOURCES

Source's name	County	Operating permit (OP No.) consent order (CO No.)	Source type	"Major source" pollutant
Carlisle Tire & Rubber Company	Cumberland	21-2003	Specialty Tire Manufacturing.	VOC.
The Carbide/Graphite Group, Inc	Elk	OP 24-012	Graphite Electrode and Graphite Specialties Manufacturing Facility.	VOC.
Celotex Corporation	Northumberland	OP 49-0013	Fiberboard Manufacturing Facility.	VOC.
American Railcar Industries, Inc. Shippers Car Line Division.	Northumberland	OP-49-0012	Railcar Cleaning and Re-furbishment Operation.	VOC.

PENNSYLVANIA.—VOC AND NO_x RACT DETERMINATIONS FOR INDIVIDUAL SOURCES—Continued

Source's name	County	Operating permit (OP No.) consent order (CO No.)	Source type	"Major source" pollutant
ACF	Northumberland	OP-49-0009	Railcar Manufacturing Operation.	VOC.
New Holland North America, Inc	Lancaster	36-2028	Surface Coating Operation.	VOC.
Allsteel, Inc	Luzerne	40-0015	Metal Furniture Coatings	VOC.
Ball-Foster Glass Container Co	McKean	OP 42-0028	Glass Melting Furnaces	NO _x .

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

II. Final Action

DEPA is approving the revisions to the Pennsylvania SIP submitted by PADEP on March 27, 1995, August 1, 1995, January 10, 1996, March 21, 1996, October 18, 1996, June 22, 1999, and July 28, 1999, to establish and require VOC and NO_x RACT for eight sources pursuant to the Commonwealth's SIP-approved generic RACT regulations.

III. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the

relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small

Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability establishing source-specific requirements for eight named sources.

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 11, 2006. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action, approving source-specific RACT requirements for eight sources in the Commonwealth of Pennsylvania, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 22, 2006.
William T. Wisniewski,
Acting Regional Administrator, Region III.

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

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

■ 40 CFR part 52 is amended as follows:

Subpart NN—Pennsylvania

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

§ 52.2020 Identification of plan.

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 (d) * * *
 (1) * * *

PART 52—[AMENDED]

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

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

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

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

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_x RACT Determinations for Eight Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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

(RACT) for eight major sources of volatile organic compounds (VOC) and nitrogen oxides (NO_x) pursuant to the Commonwealth of Pennsylvania's (Pennsylvania's or the Commonwealth's) SIP-approved generic RACT regulations. EPA is approving these revisions in accordance with the Clean Air Act (CAA).

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

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2006-0279. All documents in the docket are listed in the www.regulations.gov Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard

copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

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

SUPPLEMENTARY INFORMATION:

I. Background

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