

(1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to June 1, 2005, 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 paragraphs (c) and (d) of this section with EPA approval dates after June 1, 2005, will be

incorporated by reference in the next update to the SIP compilation.

(2) EPA Region IX 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 June 1, 2005.

(3) Copies of the materials incorporated by reference may be inspected at the Region IX EPA Office

at 75 Hawthorne Street, San Francisco, CA 94105; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue, NW., Room B108, Washington, DC; 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](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) EPA approved regulations.

TABLE 52.2920.—EPA APPROVED COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS REGULATIONS

State citation	Title/subject	Effective date	EPA approval date	Explanation
Air Pollution Control Regulations:				
Part I .....	Authority .....	01/19/1987	11/13/1987, 52 FR 43574	
Part II .....	Purpose and Policy .....	01/19/1987	11/13/1987, 52 FR 43574	
Part III .....	Policy .....	01/19/1987	11/13/1987, 52 FR 43574	
Part IV .....	Definitions (a—www) .....	01/19/1987	11/13/1987, 52 FR 43574	
Part V .....	Permitting of New Sources And Modifications (A—M).	01/19/1987	11/13/1987, 52 FR 43574	
Part VI .....	Registration of Existing Sources (A—D) .....	01/19/1987	11/13/1987, 52 FR 43574	
Part VII .....	Sampling, Testing and Reporting Methods (A—D).	01/19/1987	11/13/1987, 52 FR 43574	
Part VIII .....	Prohibition of Air Pollution .....	01/19/1987	11/13/1987, 52 FR 43574	
Paragraph A ...	Control of Open Burning			
Paragraph B ...	Control of Visible Emissions			
Paragraph C ...	Control of Emissions from Motor Vehicles			
Paragraph D ...	Control of Fugitive Dust and Other Particulate Matter			
Paragraph E ...	Control of Incineration			
Paragraph F ...	Control of Process Industries			
Table VIII-1 ...	Process Weight Rate			
Paragraph G ...	Control of Sulfur Oxides From Fuel Combustion			
Paragraph H ...	Variances to Prohibition of Air Pollution			
Part IX .....	Fees (A—B) .....	01/19/1987	11/13/1987, 52 FR 43574	
Part X .....	Public Participation (A—E) .....	01/19/1987	11/13/1987, 52 FR 43574	
Part XI .....	Enforcement (A—E) .....	01/19/1987	11/13/1987, 52 FR 43574	
Part XII .....	Severability .....	01/19/1987	11/13/1987, 52 FR 43574	
Part XIII .....	Effective Date .....	01/19/1987	11/13/1987, 52 FR 43574	
Part XIV .....	Certification .....	01/19/1987	11/13/1987, 52 FR 43574	

(d) EPA approved State source specific requirements.

Name of source	Permit number	Effective date	EPA approval date	Explanation
None .....	.....			

(e) [Reserved].

[FR Doc. 05-15326 Filed 8-2-05; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[R10-OAR-2005-OR-0005; FRL-7944-1]

### Approval and Promulgation of Air Quality Implementation Plans; Oregon; Correcting Amendment

AGENCY: Environmental Protection Agency (EPA).

**ACTION:** Direct final rule; correcting amendments.

**SUMMARY:** EPA is taking direct final action to correct an error in the instructions amending the Code of Federal Regulations in the notice which approved the removal of Oregon's control technology guidelines for perchloroethylene (perc) dry cleaning systems and related definitions and provisions, published on December 1,

2004. Perc is a solvent commonly used in dry cleaning, maskant operations, and degreasing operations. In the document published on December 1, 2004 (69 FR 69823), EPA inadvertently listed an incorrect State effective date in the incorporation by reference section which listed revised provisions of the Oregon Administrative Rules. This action corrects the erroneous date so that the appropriate version of the Oregon Administrative Rules is incorporated by reference.

**DATES:** This direct final rule will be effective October 3, 2005, without further notice, unless EPA receives adverse comments by September 2, 2005. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. R10-OAR-2005-OR-0005, by one of the following methods:

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

- *Agency Web Site:* <http://www.epa.gov/edocket>. EDOCKET, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

- *Mail:* Colleen Huck, Office of Air, Waste and Toxics, AWT-107, EPA, Region 10, 1200 Sixth Ave., Seattle, Washington 98101.

- *Hand Delivery:* Colleen Huck, Office of Air, Waste and Toxics, AWT-107, 9th Floor, EPA, Region 10, 1200 Sixth Ave., Seattle, Washington 98101. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. R10-OAR-2005-OR-0005. 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.epa.gov/edocket>, 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 information that you consider to be CBI or otherwise protected through EDOCKET, regulations.gov, or e-mail. The EPA EDOCKET and the Federal regulations.gov Web site are "anonymous access" systems, which means 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 E-DOCKET or 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.

*Docket:* All documents in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket>. Although listed in the index, some information is not publicly available, such as 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 EDOCKET or in hard copy at EPA, Region 10, Office of Air, Waste and Toxics, 1200 Sixth Avenue, Seattle, Washington, from 8 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Colleen Huck at telephone number: (206) 553-1770, e-mail address: [Huck.Coleen@epa.gov](mailto:Huck.Coleen@epa.gov), fax number: (206) 553-0110, or the above EPA, Region 10 address.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On December 1, 2004 (69 FR 69823), EPA approved a revision to the Oregon State Implementation Plan (SIP) removing control technology guidelines for perc dry cleaning systems and related definitions and provisions contained in Oregon Administrative Rules (OAR) chapter 340, Division 232. On February 7, 1996, (61 FR 4588) EPA had excluded perc from the Federal definition of volatile organic compounds for purposes of preparing SIPs for attainment of the national ambient air quality standards for ozone. Therefore, States were no longer required to have rules based on EPA's perc dry cleaning control technology guidelines included in their SIPs. Because of this, the State of Oregon, Division of Environmental Quality

(ODEQ) repealed its control technology guidelines for perc dry cleaning systems and the related definitions and provisions on December 7, 2001, and submitted the repeal as a formal SIP revision. The State requested approval of the removal of the perc rules because maintaining the SIP rules for perc was no longer required for ozone control and would have been largely duplicative of National Emission Standards for Hazardous Air Pollutants (NESHAPs) under which emissions from perc dry cleaning systems are still regulated.

In approving the revision, EPA inadvertently listed the State effective date as October 14, 1999, rather than the correct State effective date of the repeal of the perc rules which was December 26, 2001. The error was made in the incorporation by reference section of the Code of Federal Regulations (CFR) amendatory instructions at the end of the notice. EPA's intention was to approve and incorporate by reference the more recent version of OAR 340-232-010 and -030, which was effective December 26, 2001. This document corrects the erroneous amendatory language.

#### II. Direct Final Action

EPA is publishing this action without a prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comments. In the proposed rules section of this **Federal Register** publication, however, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This direct final rule is effective on October 3, 2005 without further notice, unless EPA receives adverse comment by September 2, 2005. 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 did not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule, EPA may adopt as final those provisions of the rule 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 (Public Law 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 6, 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.*).

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 3, 2005. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2))

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: July 18, 2005.

**Julie M. Hagensen,**

*Acting Regional Administrator, Region 10.*

- Chapter I, title 40 of the Code of Federal Regulations is corrected by making the following correcting amendment:

#### PART 52—[AMENDED]

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

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

#### Subpart MM—Oregon

- 2. Section 52.1970 is amended by revising paragraph (c)(143)(i)(A) to read as follows:

##### **§ 52.1970 Identification of plan.**

- \* \* \* \* \*
- (c) \* \* \*
- (143) \* \* \*
- (i) \* \* \*
- (A) The following sections of the Oregon Administrative Rules 340: 232-0010 and 232-0030, as effective December 26, 2001.
- \* \* \* \* \*

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 180

[OPP-2005-0154; FRL-7717-2]

#### Acetic Acid; Exemption from the Requirement of a Tolerance

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes an exemption from the requirement of a tolerance for residues of acetic acid when used as a preservative for post-harvest stored grains and hay intended for animal feed. Eastman Chemical Company submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of acetic acid for this use.

**DATES:** This regulation is effective August 3, 2005. Objections and requests for hearings must be received on or before October 3, 2005.

**ADDRESSES:** To submit a written objection or hearing request follow the detailed instructions as provided in Unit VIII. of the **SUPPLEMENTARY INFORMATION**.

EPA has established a docket for this action under Docket identification (ID) number OPP-2005-0154. All documents in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket>. 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