

EPA-APPROVED SOURCE SPECIFIC REQUIREMENTS—Continued

Source name	Permit/order or registration number	State effective date	EPA approval date	40 CFR part 52 citation
Virginia Power (VP)—Possum Point Generating Station [Permit containing NO <sub>x</sub> RACT requirements].	Registration No. 70225 County-Plant No. 153-0002.	7/21/00	1/02/01, 66 FR 8 .....	52.2420(d)(3).
Virginia Electric and Power Company—Possum Point Generating Station [Consent Agreement containing VOC RACT requirements].	Registration No. 70225.	6/12/95	1/02/01, 66 FR 8 .....	52.2420(d)(3).
Washington Gas Light Company—Springfield Operations Center [Consent Agreement].	Registration No. 70151 NVRO-031-98.	4/3/98	1/02/01, 66 FR 8 .....	52.2420(d)(3).
Georgia Pacific—Jarratt Softboard Plant.	Registration No. 50253.	9/28/98	3/26/03, 68 FR 14542	40 CFR 52.2420(d)(4); Note: In Section E, Provision 1, the portion of the text which reads “* * *and during periods of start-up, shutdown, and malfunction.” is not part of the SIP.
Prince William County Landfill .....	Registraton No. 72340.	4/16/04	9/9/04, 69 FR 54581 ...	52.2420(d)(5).
Washington Gas Company, Ravensworth Station.	Registration No. 72277.	4/16/04, 8/11/04	10/06/2004, 69 FR 59812.	52.2420(d)(6).
Central Intelligence Agency (CIA), George Bush Center for Intelligence.	Registration No. 71757.	4/16/04	12/13/04, 69 FR 72115	52.2420(d)(6).
National Reconnaissance Office, Boeing Service Center.	Registration No. 71988.	4/16/04	12/13/04, 69 FR 72115	52.2420(d)(6).
Roanoke Electric Steel Corp. ....	Registration No. 20131.	12/22/04	4/27/05, 70 FR 21621	52.2420(d)(7).
Roanoke Cement Company .....	Registraton No. 20232.	12/22/04	4/27/05, 70 FR 21621	52.2420(d)(7).
Norfolk Southern Railway Company—East End Shops.	Registration No. 20468.	12/22/04	4/27/05 70 Fr 21621 ...	52.2420(d)(7).
Global Stone Chemstone Corporation	Registration No. 80504.	02/09/05	4/27/05 70 FR 21621 ..	52.2420(d)(7).

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 [FR Doc. 05-21756 Filed 11-2-05; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 60**

[KYN-2005-01; FRL-7993-5]

**New Stationary Sources; Supplemental Delegation of Authority to the Commonwealth of Kentucky Department for Environmental Protection**

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

**ACTION:** Delegation of authority.

**SUMMARY:** The Commonwealth of Kentucky Department for Environmental Protection (KYDEP or agency) has requested that EPA delegate authority for implementation and enforcement of existing New Source Performance Standards (NSPS) which have been previously adopted by the agency but have remained undelegated by EPA, and has requested that EPA

approve the mechanism for delegation (adopt-by-reference) of future NSPS. The purpose of KYDEP’s request for approval of its delegation mechanism is to streamline existing administrative procedures by eliminating any unnecessary steps involved in the Federal delegation process. With this NSPS delegation mechanism in place, a new or revised NSPS promulgated by EPA will become effective in the Commonwealth of Kentucky on the date the NSPS is adopted-by-reference pursuant to a rulemaking of the Commonwealth of Kentucky’s Natural Resources and Environmental Protection Cabinet, if the agency adopts the NSPS without change. “Adopt-by-reference” means the EPA promulgated standard has been adopted directly into the State regulations by reference to the Federal law. No further agency requests for delegation will be necessary. Likewise, no further **Federal Register** notices will be published.

In this action, EPA is delegating authority to KYDEP for implementation and enforcement of existing New Source Performance Standards (NSPS) which have been previously adopted by KYDEP and which are identified in the

Supplementary Information section below. In addition, EPA is approving KYDEP’s “adopt-by-reference” mechanism for delegation of future NSPS.

**DATES:** The effective date is November 3, 2005.

**ADDRESSES:** Copies of the request for delegation of authority are available for public inspection during normal business hours at the following locations:

Environmental Protection Agency, Region 4, Air Toxics and Monitoring Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303.

Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601.

Effective immediately, all requests, applications, reports and other correspondence required pursuant to the delegated standards should not be submitted to the Region 4 office, but should instead be submitted to the following address:

Natural Resources and Environmental Protection Cabinet, Department for

Environmental Protection, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601.

**FOR FURTHER INFORMATION CONTACT:** Keith Goff, Air Toxics and Monitoring Branch, Environmental Protection Agency, Region 4, 61 Forsyth St. SW., Atlanta, Georgia 30303, 404-562-9137. E-mail: [goff.keith@epa.gov](mailto:goff.keith@epa.gov).

**SUPPLEMENTARY INFORMATION:** Sections 101, 110, 111(c)(1), and 301 of the Clean Air Act authorize EPA to delegate authority to implement and enforce the standards set out in 40 CFR Part 60, New Source Performance Standards (NSPS). On April 12, 1977, EPA initially delegated the authority for implementation and enforcement of the NSPS program to the KYDEP. This agency has subsequently requested a delegation of authority for implementation and enforcement of the previously adopted, undelegated part 60 NSPS categories listed below.

1. 40 CFR part 60, subpart Ea, adopted September 10, 2003.
2. 40 CFR part 60, subpart Eb, adopted September 10, 2003.
3. 40 CFR part 60, subpart Ec, adopted September 10, 2003.
4. 40 CFR part 60, subpart OOO, adopted July 17, 2000.
5. 40 CFR part 60, subpart WWW, adopted September 10, 2003.
6. 40 CFR part 60, subpart AAAA, adopted September 10, 2003.
7. 40 CFR part 60, subpart CCCC, adopted September 10, 2003.

EPA's review of Kentucky's pertinent laws, rules, and regulations has shown them to be adequate for implementation and enforcement of these existing, previously adopted, undelegated NSPS. Based on this review, EPA has determined that delegation of the above-referenced NSPS is appropriate, with the non-delegable exceptions noted below. All sources subject to the delegable requirements in these NSPS subparts will now be under the jurisdiction of the KYDEP, although EPA reserves the right to implement the Federal NSPS directly and continues to retain concurrent enforcement authority. The NSPS subparts and portions of subparts that may not be delegated, and are therefore not delegated by this action are:

1. Subpart A—§ 60.8(b) (2) and (3), § 60.11(e) (7) and (8), § 60.13 (g), (i) and (j)(2)
2. Subpart B—§ 60.22, § 60.27, and § 60.29
3. Subpart Da—§ 60.45a
4. Subpart Db—§ 60.44b(f), § 60.44b(g), § 60.49b(a)(4)
5. Subpart Dc—§ 60.48c(a)(4)
6. Subpart Ec—§ 60.56c(i)

7. Subpart J—§ 60.105(a)(13)(iii), § 60.106(i)(12)
8. Subpart Ka—§ 60.114a
9. Subpart Kb—§ 60.111b(f)(4), § 60.114b, § 60.116b(e)(3) (iii) and (iv), § 60.116b(f)(2)(iii)
10. Subpart O—§ 60.153(e)
11. Subpart EE—§ 60.316(d)
12. Subpart GG—§ 60.334(b)(2), § 60.335(f)(1)
13. Subpart RR—§ 60.446(c)
14. Subpart SS—§ 60.456(d)
15. Subpart TT—§ 60.466(d)
16. Subpart UU—§ 60.474(g)
17. Subpart VV—§ 60.482-1(c)(2) and § 60.484
18. Subpart WW—§ 60.496(c)
19. Subpart XX—§ 60.502(e)(6)
20. Subpart AAA—§ 60.531, § 60.533, § 60.534, § 60.535, § 60.536(i)(2), § 60.537, § 60.538(e), § 60.539
21. Subpart BBB—§ 60.543(c)(2)(ii)(B)
22. Subpart DDD—§ 60.562-2(c)
23. Subpart III—§ 60.613(e)
24. Subpart NNN—§ 60.663(e)
25. Subpart RRR—§ 60.703(e)
26. Subpart SSS—§ 60.711(a)(16), § 60.713(b)(1)(i), § 60.713(b)(1)(ii), § 60.713(b)(5)(i), § 60.713(d), § 60.715(a), § 60.716
27. Subpart TTT—§ 60.723(b)(1), § 60.723(b)(2)(i)(C), § 60.723(b)(2)(iv), § 60.724(e), § 60.725(b)
28. Subpart VVV—§ 60.743(a)(3)(v)(A) and (B), § 60.743(e), § 60.745(a), § 60.746
29. Subpart WWW—§ 60.754(a)(5)

In addition, EPA is approving KYDEP's "adopt-by-reference" delegation mechanism for future NSPS. EPA's review of the pertinent laws, rules, and regulations for the agency has shown them to be adequate for implementation and enforcement of existing, previously adopted, undelegated NSPS and future NSPS. Future NSPS regulations will contain a list of sections that cannot be delegated for that subpart. With this NSPS "adopt-by-reference" delegation mechanism in place, a new or revised NSPS promulgated by EPA will become effective in the Commonwealth of Kentucky on the date the NSPS is adopted-by-reference pursuant to a rulemaking of the Commonwealth of Kentucky's Natural Resources and Environmental Protection Cabinet, if the agency adopts the NSPS without change. EPA reserves the right to implement the Federal NSPS directly and continues to retain concurrent enforcement authority.

#### 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 imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this action 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 action delegates pre-existing requirements under Federal law and does not impose any additional enforceable duty beyond that required by Federal 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 action 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 delegates the implementation and enforcement of an existing Federal standard and approves a delegation mechanism for future Federal standards, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This action 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. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, as that term is defined in 5 U.S.C. 804(3).

In reviewing delegation requests and mechanisms for delegation, 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 delegation request or disapprove a proposed delegation mechanism for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a delegation request or proposed delegation mechanism, to use VCS in place of a delegation request or proposed delegation mechanism 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 action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This action granting delegation authority for implementation and enforcement of existing New Source Performance Standards and approving a delegation mechanism for future NSPS is issued under the authority of sections 101, 110, 111, and 301 of the Clean Air Act, 42 U.S.C. 7401, 7410, 7411, and 7601.

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

Dated: October 17, 2005.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 05-21925 Filed 11-2-05; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### 46 CFR Part 388

[Docket Number: MARAD-2005-21105]

RIN 2133-AB50

#### Application Fee Increase for Administrative Waivers of the Coastwise Trade Laws

**AGENCY:** Maritime Administration, Transportation.

**ACTION:** Final rule.

**SUMMARY:** This final rule increases the application fee for administrative waivers of the coastwise trade laws from \$300 to \$500. The increased fee will align the application fee with the actual cost of processing and issuing each waiver.

**DATES:** This final rule is effective December 5, 2005.

**FOR FURTHER INFORMATION CONTACT:** Sharon Cassidy, Office of Ports and Domestic Shipping, Maritime Administration, MAR-830, 400 7th St., SW., Rm. 7201 Washington, DC 20590; telephone: (202) 366-5506.

**SUPPLEMENTARY INFORMATION:** Title V of the Independent Offices Appropriations Act of 1952 ("IOAA"; 31 U.S.C. 9701) authorizes Federal agencies to establish and collect user fees. The statute provides that each service or thing of value provided by an agency should be self-sustaining to the extent possible, and that each charge shall be fair and based on the costs to the Government, the value of the service or thing to the recipient, the policy or interest served, and other relevant factors. 31 U.S.C. 9701.

The primary guidance for implementation of the IOAA is Office of Management and Budget (OMB) Circular No. A-25 ("User Charges," July 8, 1993). Circular A-25 directs agencies to assess user charges against identifiable recipients for special benefits derived from Federal activities beyond those received by the general public. Circular A-25, section 6. Circular A-25 further directs agencies, with limited exceptions, to recover the full cost of providing a Government service from the direct recipients of special benefits. Section 6(d) of Circular A-25 defines "full cost" as including "all direct and indirect costs to any part of the Federal Government of providing a good, resource, or service."

Pursuant to these directives, MARAD is proposing to increase the application fee for administrative waivers of the coastwise trade laws under 46 CFR part 388 for eligible small vessels. Under 46 CFR part 388, owners of small passenger vessels may apply for waivers of the U.S.-build requirements of the Passenger Vessel Services Act and section 27 of the Merchant Marine Act, 1920, to allow the carriage of no more than 12 passengers for hire in the coastwise trade. Because waivers under part 388 represent special benefits to identifiable recipients (i.e., vessel owners) that are beyond the benefits and services normally received by the general public, the IOAA and Circular A-25 direct MARAD to assess user fees for providing this service. The current application fee for a waiver is \$300. MARAD proposes to increase this fee to \$500 as set forth below.

Following the principles embodied in Circular A-25, MARAD examined the costs associated with processing and issuing waivers under part 388 to determine if the current \$300 fee recovers the full costs of administering the program. The main cost components of the program include direct and indirect personnel costs and **Federal Register** publication costs. Our review of the program determined that average personnel costs for processing each uncontested application are \$204.50 and

\$1118.50 for each contested application (on average, 7% of all waiver applications are contested, based on the 236 applications sampled for our analysis). Thus, the total average personnel costs are \$268.48 for processing each application. The second main cost component of the program is the cost of publishing notices of waiver applications in the **Federal Register**. The current **Federal Register** publication cost is \$155 per column and the average length of a public notice published for this program is 1.5 columns. Thus, the total average publication cost is \$232.50. The sum total of personnel costs and **Federal Register** publication costs is \$500.98. Therefore, MARAD is proposing to raise the application fee from \$300 to \$500 in order to recover these costs.

On May 12, 2005, MARAD published a notice of proposed rulemaking in the **Federal Register** (70 FR 25010) that sought comments on the proposed fee increase. No comments were received.

#### Regulatory Analyses and Notices

*Executive Order 12866 and DOT Regulatory Policies and Procedures*

This rulemaking is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. This rule is not likely to result in an annual effect on the economy of \$100 million or more. This rule is also not significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034, February 26, 1979). The costs and economic impact associated with this rulemaking are considered to be so minimal that no further analysis is necessary.

#### Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Maritime Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities. While this rule will affect businesses that qualify as small entities under Small Business Administration guidelines, MARAD does not believe that the modest increase in this one-time, non-recurring fee (unless an applicant must reapply due to a revocation) will result in a significant economic impact on small entities. Further, MARAD is required under Federal directives to assess recipients of special governmental services reasonable charges to recover the costs of providing such services.