

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 *February 2, 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, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: November 24, 2006.

John B. Askew,
Regional Administrator, Region 7.

■ Chapter I, Title 40 of the Code of Federal Regulations 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 AA—Missouri

■ 2. In § 52.1320(d) the table is amended by adding entry (23) at the end of the table for Grossman Iron and Steel Company, to read as follows:

§ 52.1320 Identification of plan.

* * * * *
(d) * * *

EPA-APPROVED MISSOURI SOURCE-SPECIFIC PERMITS AND ORDERS

Name of source	Order/Permit No.	State effective date	EPA approval date	Explanation
(23) Grossman Iron and Steel Company	Permit No. SR00.045A	7/19/06	December 4, 2006 <i>[insert FR page number where the document begins]</i>	

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[FR Doc. E6-20433 Filed 12-1-06; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R07-OAR-2006-0883; FRL-8251-2]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the state of Missouri for the inclusion of revisions to the Construction Permit Exemptions rule. The Construction Permit Exemptions rule lists specific construction or modification projects that are not required to obtain permits under the Construction Permits Required rule. Revisions to this rule include updating the insignificance levels, adding a new exemption for manufacturing operations (which produce insignificant emissions), clarifying the grain handling facilities exemption, and restructuring of the record keeping portion of the rule. Missouri developed the revisions to this rule under two separate state rulemaking processes.

DATES: This direct final rule will be effective February 2, 2007, without further notice, unless EPA receives adverse comment by January 3, 2007. If adverse comment is 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. EPA-R07-OAR-2006-0883, by one of the following methods:

1. *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
2. *E-mail: algoe-eakin.amy@epa.gov*.
3. *Mail:* Amy Algoe-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.
4. *Hand Delivery or Courier:* Deliver your comments to Amy Algoe-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Instructions: Direct your comments to Docket ID No. EPA-R07-OAR-2006-0883. 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 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.

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 Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. The Regional Office's official hours of business are Monday through Friday, 8 to 4:30, excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Amy Algoe-Eakin at (913) 551-7942, or by e-mail at algoe-eakin.amy@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This section provides additional information by addressing the following questions:

- What is a SIP?
- What is the Federal approval process for a SIP?
- What does Federal approval of a state regulation mean to me?
- What is being addressed in this document?
- Have the requirements for approval of a SIP revision been met?
- What action is EPA taking?

What is a SIP?

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. Each state must submit these regulations and control strategies to us for approval and incorporation into the Federally-enforceable SIP.

Each Federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

What is the Federal approval process for a SIP?

In order for state regulations to be incorporated into the Federally-enforceable SIP, states must formally adopt the regulations and control

strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 110 of the CAA are incorporated into the Federally-approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at title 40, part 52, entitled "Approval and Promulgation of Implementation Plans." The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are "incorporated by reference," which means that we have approved a given state regulation with a specific effective date.

What does Federal approval of a state regulation mean to me?

Enforcement of the state regulation before and after it is incorporated into the Federally-approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in section 304 of the CAA.

What is being addressed in this document?

On April 6, 2005, and July 24, 2006, Missouri requested that EPA approve revisions to the SIP to include revisions to the Construction Permit Exemptions rule, 10 CSR 10-6.061. The Construction Permit Exemptions rule lists specific construction or modification projects that are not required to obtain permits under the Construction Permits Required rule. The intent of the Construction Permit Exemptions rule is to exempt minor and/or de minimis sources from permitting requirements. Sources which would emit at or above major source levels are not eligible for the exemptions.

Missouri made four revisions to this rule. The revisions to the Construction Permit Exemptions rule include (1) revising subparagraph (3)(A)2.E., (2) adding subparagraph (3)(A)2.DD., (3)

revising subsection(3)(A)3., and (4) restructuring section (4) of this rule.

One of the revisions includes revising subparagraph (3)(A)2.E., the grain handling, storage, and drying facilities exemption. Missouri added the word "commercial" into this subsection, which clarifies which grain handling facilities are exempt from construction permits.

Another revision includes Missouri adding subparagraph (3)(A)2.DD. to include a new exemption for "carving, cutting, routing, turning, drilling, machining, sawing, sanding, planing, buffing, or polishing solid materials, other than materials containing any asbestos, beryllium or lead greater than one percent by weight as determined by Material Safety Data Sheets, vendor material specifications, and/or purchase order specifications with specific operating parameters for equipment." Missouri states that the inclusion of this exemption will not have a negative impact on air quality and included this exemption in the technical analysis which demonstrates that the significant revisions to this rule do not negatively impact air quality.

For revisions to subparagraph(3)(A)3., Missouri revised the insignificant emission exemption levels. Missouri regulations exempt installations from the requirement to obtain a construction permit if emissions of criteria pollutants (except lead) from the proposed construction or modification are below a significance level. For the non-lead criteria pollutants, the state retained the 876 pounds per year level, except for volatile organic compounds (VOCs), which was raised to 4,000 pounds per year. The state also increases the short-term limit from 0.5 pounds per hour for all pollutants to 1.0 pound for PM₁₀, 2.75 pounds for sulfur oxides (SO_x), nitrogen oxides (NO_x), and VOCs, and 6.88 pounds for carbon monoxide (CO). Missouri evaluated the significance levels and conducted an analysis which assumed emissions below these de minimis levels and average emission stack parameters collected from Missouri's Emission Inventory Questionnaire data and modeling software. Missouri evaluated the results in light of the ambient air quality standards and concluded that raising existing insignificance levels will not result in a significant negative impact on air quality. Missouri also included the new exemption in subparagraph (3)(A)2.DD. in this analysis. In addition, the construction permit exemption rule specifies that the MDNR Air Pollution Control Program director has the discretion to require review if the construction or modification will

appreciably affect air quality or exceed air quality standards or complaints involving air pollution have been filed in the vicinity of the proposed construction or modification. Missouri can use this authority if a specific source might have air quality impacts of concern.

The final revision to this rule is the addition of language to Section (4), "Reporting and Record Keeping". This revision moves the recording keeping provisions from subsection (3)(A)3.E. to Section (4).

Have the requirements for approval of a SIP revision been met?

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document which is part of this docket, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

What action is EPA taking?

We are approving Missouri's revisions to the Construction Permit Exemptions rule, 10 CSR 10-6.061, with the exception of the livestock markets and livestock operations exemption, Section (3)(A)2.D., which was withdrawn in an October 25, 2005, request by the state of Missouri.

We are processing this action as a direct final action because the revisions make routine changes to the existing rules which are noncontroversial. Therefore, we do not anticipate any adverse comments. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment.

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 a state rule implementing a Federal standard, and 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 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 February 2, 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, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: November 17, 2006.

John B. Askew,

Regional Administrator, Region 7.

■ Chapter I, Title 40 of the Code of Federal Regulations 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 AA—Missouri

■ 2. In § 52.1320(c) the table is amended under Chapter 6 by revising the entry for 10-6.061 to read as follows:

§ 52.1320 Identification of plan.

* * * * *
(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
10-6.061	Construction Permit Exemptions	7/30/06	12/4/06 [insert FR page number where the document begins].	Section (3)(A)2.D. is not included in the SIP.

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[FR Doc. E6-20436 Filed 12-1-06; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA-HQ-SFUND-1990-0011; FRL-8249-8]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of partial deletion of the Ellsworth Air Force Base National Priorities List Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency, Region 8 (EPA) announces the deletion of portions of the Ellsworth Air Force Base (AFB) Site located in Meade and Pennington Counties, South Dakota, from the National Priorities List (NPL). All areas originally proposed for deletion under the Notice of Intent to Partially Delete published in the **Federal Register** on June 28, 2006 (71 FR 36736) are being deleted. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

EPA has determined, with the concurrence of the State of South Dakota through the Department of Environment and Natural Resources that the parcels pose no significant threat to public health, welfare or the environment and, therefore, no further

response action pursuant to CERCLA is appropriate. This partial deletion pertains to surface soil, unsaturated subsurface soil, surface water, and sediments at Operable Units 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12, and excludes the ground water medium at these parcels. The ground water medium at the Ellsworth AFB Site (OU-11, Basewide Ground Water), and the soil medium (surface and unsaturated subsurface soils) at OU-1, Fire Protection Training Area, will remain on the NPL and response activities will continue for those OUs. Two additional areas not associated with an operable unit, the Gateway Lake Ash Study Area and the Pride Hangar Study Area, are currently under investigation and are also not part of this partial deletion.

DATES: *Effective Date:* This rule is effective on December 4, 2006.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Mashburn, P.E., Remedial Project Manager (8EPR-F), U.S. EPA, Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466, Phone: (303) 312-6665.

SUPPLEMENTARY INFORMATION: Ellsworth AFB is a U.S. Air Force Air Combat Command installation located 12 miles east of Rapid City, South Dakota, and adjacent to the small community of Box Elder. The main Air Force Base covers approximately 4,858 acres within Meade and Pennington counties and includes runways, airfield operations, industrial areas, housing, and recreational facilities.

On June 28, 2006 EPA published a Notice of Intent of Partial Deletion in the **Federal Register** (71 FR 36736) and local newspapers which proposed to delete the surface soil, unsaturated subsurface soil, surface water and sediment media at OU-2, OU-3, OU-4, OU-5, OU-6, OU-7, OU-8, OU-9, OU-10 and OU-12 (approximately 542

acres) and the surface soil, unsaturated subsurface soil, surface water and sediment media of an additional 4,300 acres which are not associated with an operable unit and are not identified as posing a risk to human health or the environment. EPA received one comment from the State of South Dakota in support of the partial deletion. EPA agrees that the completion of the remedy requirements and ongoing monitoring programs adequately demonstrate that these parcels do not present a threat to the environment or human health and the deletion from the NPL is appropriate.

EPA identifies sites that appear to present a significant risk to public health, welfare and the environment and maintains the NPL as the list of those sites. Deletion from the NPL does not preclude further remedial action. If a significant release occurs at a facility deleted from the NPL, that facility is restored to the NPL without application of the Hazard Ranking System. Deletion of the site from the NPL does not affect responsible party liability for further remedial actions, in the unlikely event that future conditions warrant such actions.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: November 22, 2006.

Kerrigan Clough,

Acting Regional Administrator, Region 8.

■ For reasons set out in the preamble, 40 CFR part 300 is amended as follows: