

(c) \* \* \*

(7) \* \* \*

(i) Previously approved on February 6, 1975 in paragraph (7) and now deleted without replacement: Article 8.1.

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(11) \* \* \*

(i) Previously approved on January 9, 1978 in paragraph (11) and now deleted without replacement: Articles 2.10.1.2, 2.10.2, 2.10.3, 8.1.1, 8.1.2, and 8.1.4.

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(12) \* \* \*

(i) Previously approved on August 21, 1978 in paragraph (12) and now deleted without replacement: Article 2.7.4.

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(14) \* \* \*

(ix) Previously approved on June 18, 1982 in paragraph (14)(viii) and now deleted without replacement: Article 16: Rules 16.3.1.2, 16.3.2, 16.3.2.1, 16.3.2.2, 16.15, 16.15.1, 16.15.1.1, 16.15.1.2, 16.15.2, 16.15.2.1, 16.15.2.2, 16.15.3, 16.15.3.1, 16.15.3.2, and 16.15.4.

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(22) \* \* \*

(iii) Previously approved on June 18, 1982 in paragraph (22)(ii) and now deleted without replacement: Articles 7.2.5, 7.2.9, and 8.3.4.

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(25) \* \* \*

(iii) Previously approved on March 27, 1984, in paragraph (25)(i)(A) and now deleted without replacement: Nevada Administrative Code (NAC) sections: 445.440, 445.442–445.443, 445.446, 445.451, 445.453–445.456, 445.459–445.463, 445.465–445.469, 445.474–445.476, 445.481, 445.483–445.485, 445.487, 445.489–445.491, 445.493–445.498, 445.502–445.503, 445.509–445.511, 445.514–445.515, 445.518–445.519, 445.522–445.524, 445.526–445.532, 445.534, 445.539, 445.543–445.544, 445.546, 445.547, 445.551, 445.566–445.568, 445.572–445.573, 445.576–445.580, 445.582–445.583, 445.586–445.587, 445.591, 445.593–445.595, 445.598, 445.600, 445.602–445.605, 445.608–445.611, 445.614–445.616, 445.619–445.620, 445.626, 445.629, 445.631–445.632, 445.634–445.646, 445.648, 445.652, 445.654, and 445.723.

\* \* \* \* \*

(26) \* \* \*

(i) \* \* \*

(B) Previously approved on March 27, 1984, in paragraph (26)(i)(A) and now deleted without replacement: Nevada Administrative Code (NAC) sections 445.815 (paragraphs (1), (2)(a)(1)–(2), and (3)–(5)) and 445.816 (paragraph (2)(a)–(c) and (e)–(i)).

\* \* \* \* \*

(56) \* \* \*

(i) \* \* \*

(A) \* \* \*

(8) Title 40, Chapter 445B of Nevada Revised Statutes (NRS)(2003): Sections 445B.200, 445B.205, 445B.230, 445B.240, 445B.340, 445B.350, 445B.360, 445B.450, 445B.460, 445B.570, 445B.580, 445B.600, 445.610, and 445.640.

\* \* \* \* \*

[FR Doc. E6–22408 Filed 12–29–06; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R03–OAR–2006–0904; FRL–8264–8]

### Approval and Promulgation of Air Quality Implementation Plans; Maryland; PM-10 Test Methods

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Maryland State Implementation Plan (SIP). The revisions incorporate by reference EPA's test methods for particulate matter with a particle size of 10 microns or less (PM-10). EPA is approving these revisions to the General Administrative Provisions of the Maryland regulations in accordance with the requirements of the Clean Air Act.

**DATES:** This rule is effective on March 5, 2007 without further notice, unless EPA receives adverse written comment by February 2, 2007. If EPA receives such comments, it 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 Number EPA–R03–OAR–2006–0904 by one of the following methods:

A. [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions for submitting comments.

B. E-mail: [miller.linda@epa.gov](mailto:miller.linda@epa.gov).

C. Mail: EPA–R03–OAR–2006–0904, Linda Miller, Acting Chief, Air Quality Planning and Analysis Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and

special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA–R03–OAR–2006–0904. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at [www.regulations.gov](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 information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](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 [www.regulations.gov](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 [www.regulations.gov](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 [www.regulations.gov](http://www.regulations.gov) or in hard copy 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 Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland, 21230.

**FOR FURTHER INFORMATION CONTACT:** Linda Miller, (215) 814–2068, or by e-mail at [miller.linda@epa.gov](mailto:miller.linda@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. Background**

On June 21, 2006, the State of Maryland submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of regulatory amendment (Revision 06–06) which incorporates by reference EPA's PM-10 test methods. The Maryland regulation cites test methods used to show compliance with emission standards in COMAR 26.11.01.04. The EPA-approved test methods found in 40 CFR Appendix A were previously incorporated by reference in COMAR 26.11.01.04 and approved as part of the Maryland SIP. The method for particulate matter found in Appendix A, Test Method 5, which captures particulate matter in the front half of the test train and finer particulates and condensables collected in the second half. Method 5 typically analyzes the front half of the test train. Compliance with Prevention of Significant Deterioration permits for major sources of PM-10 requires the inclusion of condensables. The revised PM-10 test methods included in this SIP revision require the analysis of condensables for PM-10 emission limits.

The EPA-approved test methods for particulate matter which are the subject of this rulemaking are found in 40 CFR part 51, Appendix M. In addition, the revision references an EPA conditionally approved test method (CTM). The CTMs have been evaluated by the Agency and may be applicable to one or more categories of stationary sources. The EPA confidence in a method included in this category is based upon review of various technical information including, but not limited to, field and laboratory validation studies; EPA understanding of the most significant quality assurance (QA) and quality control (QC) issues; and EPA confirmation that the method addresses these QA/QC issues sufficiently to identify when the method may not be acquiring representative data. The method's QA/QC procedures are required as a condition of applicability.

**II. Summary of SIP Revision**

The State of Maryland has submitted revisions to the list of test methods for PM-10 for approval into the Maryland SIP. The revisions to COMAR 26.11.04.01 incorporate by reference the following test methods for PM-10 stack testing: Test Methods 201A and 202 (40 CFR part 51, Appendix M); Test Method 5 (40 CFR part 60, Appendix A) with Test method 202; Test Method 5 using front half and back half procedure; Conditional Test Method 39 may be substituted for Test Method 202. The

revisions also include a provision for approval of alternative test methods for PM-10 if approved by the State and EPA.

**III. Final Action**

EPA is approving revisions to COMAR 26.11.01.04 to incorporate by reference EPA's PM-10 test methods. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on March 5, 2007 without further notice unless EPA receives adverse comment by February 2, 2007. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments 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.

**IV. 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 requirement, 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. 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**. This rule is not a

“major rule” as defined by 5 U.S.C. 804(2).

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 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 to

approve incorporation by reference of PM-10 stack test methods into the Maryland SIP 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, Particulate matter, Reporting and recordkeeping requirements.

Dated: December 18, 2006.

Donald S. Welsh, Regional Administrator, Region III.

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 V— Maryland

2. In § 52.1070, the table in paragraph (c) is amended by revising the entry for COMAR 26.11.01.04 to read as follows:

§ 52.1070 Identification of plan.

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

EPA-APPROVED REGULATIONS IN THE MARYLAND SIP

Table with 5 columns: Code of Maryland administrative regulations (COMAR) citation, Title/subject, State effective date, EPA approval date, Additional explanation/citation at 40 CFR 52.1100. Row 1: 26.11.01, General Administrative Provisions. Row 2: 26.11.01.04, Testing and Monitoring, 6/19/06, 1/3/07 [Insert page number where the document begins], Paragraph .04c(2) is added.

\* \* \* \* \* [FR Doc. E6-22414 Filed 12-29-06; 8:45 am] BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2004-TN-0004, EPA-R04-OAR-2005-TN-0009, EPA-R04-OAR-2006-0532, 200607/17(a); FRL-8265-6]

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 multiple revisions to the Tennessee State Implementation Plan (SIP) submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), on March 16, 2000, July 23, 2002, December 10, 2004, and January 31, 2006. The revisions pertain to the Knox County portion of the Tennessee SIP and include changes to Knox County Air Quality Regulations (KCAQR) Section 16.0—“Open

Burning,” Section 25.0—“Permits,” and Section 46.0—“Regulation of Volatile Organic Compounds.” These revisions are part of Knox County’s strategy to attain and maintain the national ambient air quality standards (NAAQS). Today’s 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-2004-TN-0004, EPA-R04-OAR-2005-TN-0009, and EPA-R04-OAR-2006-0532 by one of the following methods:

- 1. www.regulations.gov: Follow the on-line instructions for submitting comments.
2. E-mail: louis.egide@epa.gov or hou.james@epa.gov.
3. Fax: (404) 562-9019.
4. Mail: “EPA-R04-OAR-2004-TN-0004,” “EPA-R04-OAR-2005-TN-0009,” 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: Egide Louis or James Hou, 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 official hours of business. The Regional Office’s official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA-R04-OAR-2004-TN-0004, EPA-R04-OAR-2005-TN-0009, 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 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 www.regulations.gov or e-mail, information that you consider to be CBI or otherwise protected. The www.regulations.gov Web site is an “anonymous access” system, which