

individual understanding of the requester or a narrow segment of interested persons. A requester's expertise in the subject area and ability and intention to effectively convey information to the public shall be considered. The CIA may presume that requesters subject to search fees under these regulations do not have the ability to effectively convey information to the public.

(D) *Significance of the contribution to public understanding.* The disclosure must contribute "significantly" to public understanding of Government operations or activities. The public's understanding of the subject matter in question, as compared to the level of public understanding existing before the disclosure, must be enhanced by the disclosure to a significant extent.

(ii) In order to determine whether the second public interest fee waiver requirement is met (i.e., that the disclosure of the information "is not primarily in the commercial interest of the requester"), the Agency will consider the following three factors, in sequence:

(A) *Existence of commercial interest.* A "commercial interest" is one that furthers a commercial, trade, or profit interest. The Agency will consider any commercial interest of the requester or any person upon whose behalf the requester may be acting that would be furthered by the disclosure. Agency personnel may consider the requester's identity and the circumstances surrounding the request and draw reasonable inferences regarding the existence of a commercial interest.

(B) *Effects of disclosure on the commercial interest.* If the requester has a commercial interest, the CIA will determine whether and to what extent disclosure of the requested information would further that interest.

(C) *Primary interest in disclosure.* The Agency will determine whether the public interest in disclosure asserted by the requester is greater in magnitude than the requester's commercial interest.

(5) If the Agency denies a request for a public interest fee waiver, it shall provide the requester with written notice of his or her administrative appeal rights. Requesters shall have the right to file an administrative appeal of the denial of a request for a public interest fee waiver provided the appeal is submitted in writing and is received by the Agency within forty-five calendar days of the date of the denial decision.

(6) The Chair of the Agency Release Panel shall adjudicate all appeals of denials of requests for public interest fee waivers.

#### § 1900.23 [Amended]

7. Revise the heading of § 1900.23, to read "§ 1900.23 Notification of Decision and Right of Appeal."

8. In § 1900.23, remove and reserve paragraph (a).

9. Amend § 1900.42 by revising paragraph (a) to read as follows:

#### § 1900.42 Right of appeal and appeal procedures.

(a) *Right of Appeal.* A right of administrative appeal exists whenever access to any requested record or any portion thereof is denied or no records are located in response to a request. The Agency will apprise all requesters in writing of their right to appeal such decisions to the CIA Agency Release Panel through the Coordinator. Appeals of denials of requests for fee waivers shall be governed by 32 CFR 1900.20.

\* \* \* \* \*

Dated: December 28, 2006.

**Edmund Cohen,**

*Chief of Information Management Services.*

[FR Doc. E6-22574 Filed 1-5-07; 8:45 am]

BILLING CODE 6310-02-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2006-0648; FRL-8266-2]

#### Approval and Promulgation of Air Quality Implementation Plans; Virginia; Identification of the Northern Virginia PM<sub>2.5</sub> Nonattainment Area

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. The revision consists of the addition of counties in the Northern Virginia which were designated as nonattainment for the PM<sub>2.5</sub> National Ambient Air Quality Standards (NAAQS). In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in

a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by February 7, 2007.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2006-0648 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-2006-0648, 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-2006-0648. 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 Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, 23219.

**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:** For further information on this rulemaking to add the boundaries of the PM<sub>2.5</sub> nonattainment area to Virginia regulations, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: December 22, 2006.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

[FR Doc. E6-22553 Filed 1-5-07; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2006-0843; FRL-8261-4]

#### Revisions to the California State Implementation Plan, South Coast Air Quality Management District and Ventura County Air Pollution Control District

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the South Coast Air Quality Management District (SCAQMD) and the Ventura County Air Pollution Control District (VCAPCD) portions of the California State Implementation Plan (SIP). This action revises various definitions of terms used by the SCAQMD and rescinds duplicate requirements for landfills from the VCAPCD. We are proposing to approve

and rescind these local rules under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** Any comments on this proposal must arrive by February 7, 2007.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2006-0843, by one of the following methods:

1. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions.

2. E-mail: [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. Mail or deliver: Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

*Instructions:* All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through <http://www.regulations.gov> or e-mail. <http://www.regulations.gov> is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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.

*Docket:* The index to the docket for this action is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Cynthia G. Allen, EPA Region IX, (415) 947-4120, [allen.cynthia@epa.gov](mailto:allen.cynthia@epa.gov).

**SUPPLEMENTARY INFORMATION:** This proposal addresses the following local rules: SCAQMD 102, "Definitions of Terms" and VCAPCD 74.17, "Solid Waste Disposal Sites." In the Rules and Regulations section of this **Federal Register**, we are approving SCAQMD 102 and rescinding VCAPCD 74.17 in a

direct final action without prior proposal because we believe this SIP revision is not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: December 11, 2006.

**Laura Yoshii,**

*Acting Regional Administrator, Region IX.*

[FR Doc. E7-23 Filed 1-5-07; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2006-0926; FRL-8266-7]

#### Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Excess Emissions Provisions

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

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** On December 18, 2006 (71 FR 75690), EPA proposed revisions to the Nevada State Implementation Plan (SIP). These revisions relate to excess emissions provisions. EPA is extending the comment period until February 16, 2007.

**DATES:** Any comments on this proposal must arrive by February 16, 2007.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2006-0926, by one of the following methods:

1. Federal eRulemaking Portal:

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

2. E-mail: [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. Mail or deliver: Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

*Instructions:* All comments will be included in the public docket without