

no owner shifts on January 1, 2004, that date is not a testing date.

(iv) July 1, 2004, is a testing date because on that date A, a 5-percent shareholder, acquires 1 percent of L stock. As of the close of that testing date, A's percentage of ownership of L stock is 7 percent, and A's lowest percentage of ownership of L stock at any time within the testing period is 2 percent (deemed acquired in 1994), representing an increase of 5 percentage points. In addition, as of the close of July 1, 2004, B's percentage of ownership of L stock is 5 percent, and B's lowest percentage of ownership of L stock at any time within the testing period is 0 percent, representing an increase of 5 percentage points. Thus, on July 1, 2004, L must take into account an increase of 10 (5 + 5) percentage points in determining whether it has an ownership change.

*Example 2—(i) Facts.* E is a qualified trust established under Plan F. L, a publicly traded corporation, has 100x shares of stock outstanding. As of January 1, 2006, C owns 5x shares of L stock and is not a participant or beneficiary of a participant in Plan F. At all times prior to January 1, 2006, E owns no L stock. On January 1, 2006, E acquires 10x shares of L stock from members of the public group of L. On December 1, 2007, E distributes 5x shares of L stock to some of the participants in Plan F. No one participant acquires all 5x shares as a result of the distribution. On February 1, 2008, C purchases 1x shares of L stock from the public group of L. (ii) *Analysis.* Because E's acquisition of 10x shares of L stock on January 1, 2006, is an owner shift, that date is a testing date. As of the close of that date, E's percentage of stock ownership in L has increased by 10 percentage points.

(iii) As a result of the application of paragraph (a)(1) of this section to E's distribution of 5x shares of L stock to some Plan F participants on December 1, 2007, for testing dates on and after December 1, 2007, those distributees are treated as having acquired those shares of stock on January 1, 2006, from members of the public group of L, and E is not treated as having acquired those shares on that date. E's distribution of the 5x shares is not an owner shift. Therefore, December 1, 2007, is not a testing date.

(iv) February 1, 2008, is a testing date because on that date an owner shift results from C's purchase of 1x shares of L stock. As of the close of that testing date, the distributees of 5x shares of L stock are treated as members of the public group of L having acquired 5x shares of L stock from other members of the public group of L on January 1, 2006. Because those acquisitions are not by 5-percent shareholders, L does not take them into account. In addition, as of the close of February 1, 2008, E's percentage of stock ownership in L is 5 percent, and E's lowest percentage of stock ownership in L at any time within the testing period is 0 percent, representing an increase of 5 percentage points. In addition, as of the close of February 1, 2008, C's percentage of stock ownership in L is 6 percent, and C's lowest percentage of stock ownership in L at any time within the testing period is 5 percent, representing an increase of 1 percentage point. Therefore, on February 1, 2008, L must

take into account an increase of 6 (5 + 1) percentage points in determining whether it has an ownership change.

(4) *Effective dates.* This section applies to all distributions after June 23, 2006. For distributions on or before June 23, 2006, see § 1.382-10T as contained in 26 CFR part 1, revised April 1, 2006. (b) [Reserved]

#### § 1.382-10T [Removed]

■ **Par. 4.** Section 1.382-10T is removed.

**Mark E. Matthews,**

*Deputy Commissioner for Services and Enforcement.*

Approved: June 20, 2006.

**Eric Solomon,**

*Acting Deputy Assistant Secretary of the Treasury (Tax Policy).*

[FR Doc. 06-5676 Filed 6-23-06; 9:48 am]

**BILLING CODE 4820-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[EPA-R09-OAR-2006-0496; FRL-8190-1]

#### Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona; Maricopa County Air Quality Department; State of California; San Joaquin Valley Unified Air Pollution Control District; State of Nevada; Nevada Division of Environmental Protection

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is amending certain regulations to reflect the current delegation status of national emission standards for hazardous air pollutants (NESHAPs) in Arizona, California, and Nevada. Several NESHAPs were delegated to the Maricopa County Air Quality Department on May 16, 2006, to the San Joaquin Valley Unified Air Pollution Control District on October 31, 2005, and to the Nevada Division of Environmental Protection on May 9, 2006. The purpose of this action is to update the listing in the Code of Federal Regulations.

**DATES:** This rule is effective on August 28, 2006 without further notice, unless EPA receives adverse comments by July 28, 2006. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-

OAR-2006-0496, 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 delivery:* 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:** Mae Wang, EPA Region IX, (415) 947-4124, [wang.mae@epa.gov](mailto:wang.mae@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

Throughout this document, "we," "us" and "our" refer to EPA.

### **I. Background**

#### *A. Delegation of NESHAPs*

Section 112(l) of the Clean Air Act, as amended in 1990 (CAA), authorizes EPA to delegate to state or local air pollution control agencies the authority to implement and enforce the standards set out in the Code of Federal Regulations, Title 40 (40 CFR), Part 63, National Emission Standards for Hazardous Air Pollutants for Source

Categories. On November 26, 1993, EPA promulgated regulations, codified at 40 CFR Part 63, Subpart E (hereinafter referred to as "Subpart E"), establishing procedures for EPA's approval of state rules or programs under section 112(l) (see 58 FR 62262). Subpart E was later amended on September 14, 2000 (see 65 FR 55810).

Any request for approval under CAA section 112(l) must meet the approval criteria in 112(l)(5) and Subpart E. To streamline the approval process for future applications, a state or local agency may submit a one-time demonstration that it has adequate authorities and resources to implement and enforce any CAA section 112 standards. If such demonstration is approved, then the state or local agency would no longer need to resubmit a demonstration of these same authorities and resources for every subsequent request for delegation of CAA section 112 standards. However, EPA maintains the authority to withdraw its approval if the State does not adequately implement or enforce an approved rule or program.

#### B. Maricopa County Delegations

On October 30, 1996, EPA approved the Maricopa County Air Quality Department's program for accepting delegation of CAA section 112 standards that are unchanged from Federal standards as promulgated (see 61 FR 55910). On March 2, 2000, EPA published a direct final action delegating to Maricopa County several NESHAPs (see 65 FR 11231). That action explained the procedure for EPA to grant future delegations to Maricopa by letter, with periodic **Federal Register** listings of standards that have been delegated. On April 21, 2006, Maricopa requested delegation of the following NESHAPs contained in 40 CFR Part 63:

- Subpart J—NESHAP for Polyvinyl Chloride and Copolymers Production
- Subpart S—NESHAP from the Pulp and Paper Industry
- Subpart AA—NESHAP from Phosphoric Acid Manufacturing Plants
- Subpart BB—NESHAP from Phosphate Fertilizers Production Plants
- Subpart HH—NESHAP from Oil and Natural Gas Production Facilities
- Subpart MM—NESHAP for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills
- Subpart SS—National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process
- Subpart TT—National Emission Standards for Equipment Leaks—Control Level 1

- Subpart UU—National Emission Standards for Equipment Leaks—Control Level 2 Standards
- Subpart WW—National Emission Standards for Storage Vessels (Tanks)—Control Level 2
- Subpart XX—National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations
- Subpart YY—NESHAP for Source Categories: Generic MACT Standards
- Subpart CCC—NESHAP for Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants
- Subpart DDD—NESHAP for Mineral Wool Production
- Subpart EEE—NESHAP from Hazardous Waste Combustors
- Subpart GGG—National Emission Standards for Pharmaceuticals Production
- Subpart HHH—NESHAP from Natural Gas Transmission and Storage Facilities
- Subpart III—NESHAP for Flexible Polyurethane Foam Production
- Subpart LLL—NESHAP from the Portland Cement Manufacturing Industry
- Subpart MMM—NESHAP for Pesticide Active Ingredient Production
- Subpart NNN—NESHAP for Wool Fiberglass Manufacturing
- Subpart OOO—National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins
- Subpart PPP—National Emission Standards for Polyether Polyols Production
- Subpart QQQ—National Emission Standards for Primary Copper Smelting
- Subpart RRR—National Emission Standards for Secondary Aluminum Production
- Subpart TTT—National Emission Standards for Primary Lead Smelting
- Subpart UUU—National Emission Standards for Petroleum Refineries: Catalytic Cracking, Catalytic Reforming, and Sulfur Plan Units
- Subpart VVV—NESHAP: Publicly Owned Treatment Works
- Subpart XXX—National Emission Standards for Ferrous Alloys Production
- Subpart AAAA—National Emission Standards for Municipal Solid Waste Landfills
- Subpart CCCC—National Emission Standards for Manufacturing of Nutritional Yeast
- Subpart EEEE—National Emission Standards for Organic Liquids Distribution (Non-Gasoline)
- Subpart FFFF—NESHAP: Miscellaneous Organic Chemical Manufacturing
- Subpart GGGG—National Emission Standards for Solvent Extraction for Vegetable Oil Production
- Subpart HHHH—National Emission Standards for Wet-Formed Fiberglass Mat Production
- Subpart IIII—NESHAP: Surface Coating of Automobiles and Light-Duty Trucks
- Subpart JJJJ—NESHAP: Paper and Other Web Coating
- Subpart KKKK—NESHAP: Surface Coating of Metal Cans

- Subpart MMMM—NESHAP for Surface Coating of Miscellaneous Metal Parts and Products
- Subpart NNNN—National Emission Standards for Large Appliances
- Subpart OOOO—NESHAP: Printing, Coating, and Dyeing of Fabrics and Other Textiles
- Subpart PPPP—NESHAP for Surface Coating of Plastic Parts and Products
- Subpart QQQQ—National Emission Standards for Wood Building Products
- Subpart RRRR—National Emission Standards for Surface Coating of Metal Furniture
- Subpart SSSS—National Emission Standards for Surface Coating of Metal Coil
- Subpart TTTT—National Emission Standards for Leather Finishing Operations
- Subpart UUUU—National Emission Standards for Cellulose Products Manufacturing
- Subpart VVVV—National Emission Standards for Boat Manufacturing
- Subpart WWWW—National Emission Standards for Reinforced Plastics Composites Production
- Subpart XXXX—National Emission Standards for Tire Manufacturing
- Subpart YYYY—NESHAP for Stationary Combustion Turbines
- Subpart ZZZZ—NESHAP for Stationary Reciprocating Internal Combustion Engines
- Subpart AAAAA—NESHAP for Lime Manufacturing Plants
- Subpart BBBB—National Emission Standards for Semiconductor Manufacturing
- Subpart CCCC—National Emission Standards for Coke Ovens: Pushing, Quenching, and Battery Stacks
- Subpart EEEE—NESHAP for Iron and Steel Foundries
- Subpart FFFF—National Emission Standards for Integrated Iron and Steel
- Subpart GGGG—NESHAP: Site Remediation
- Subpart HHHH—NESHAP: Miscellaneous Coating Manufacturing
- Subpart IIII—NESHAP: Mercury Emissions from Mercury Cell Chlor-Alkali Plants
- Subpart JJJJ—National Emission Standards for Brick and Structural Clay Products Manufacturing
- Subpart KKKK—NESHAP for Clay Ceramics Manufacturing
- Subpart LLLL—National Emission Standards for Asphalt Roofing and Processing
- Subpart MMMM—National Emission Standards for Flexible Polyurethane Foam Fabrication Operations
- Subpart NNNN—NESHAP: Hydrochloric Acid Production
- Subpart PPPP—National Emission Standards for Engine Test Cells/Stands
- Subpart QQQQ—National Emission Standards for Friction Products Manufacturing
- Subpart RRRR—NESHAP: Taconite Iron Ore Processing
- Subpart SSSS—National Emission Standards for Refractory Products Manufacturing
- Subpart TTTT—NESHAP for Primary Magnesium Refining

On May 16, 2006, EPA granted delegation to Maricopa County for these NESHAPs, along with any amendments to previously-delegated NESHAPs, as of July 1, 2004. Today's action is serving to notify the public of the May 16, 2006, delegation and to codify these delegations into the Code of Federal Regulations.

Maricopa County also included a request for delegation of the Federal List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List codified at 40 CFR Part 63, Subpart C. This Subpart does not need to be delegated under the Clean Air Act section 112(l) approval process. EPA does not delegate to state or local agencies the authority to make changes to this Federal list of pollutants, and Subpart C does not contain any provisions or authorities requiring implementation by state or local agencies. As a result, EPA is not taking action to delegate 40 CFR Part 63, Subpart C or its amendments to Maricopa County.

#### C. San Joaquin Valley Delegations

On September 28, 2004, the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) requested, through the California Air Resources Board, delegation of authority to implement and enforce a number of 40 CFR Part 61 and Part 63 NESHAP as they apply to area sources. The request was limited to standards that were incorporated by reference in SJVUAPCD Rule 4002, amended on May 20, 2004. The delegation request was also limited in scope to area sources because the delegation of these standards had already been granted with respect to major sources.

On October 31, 2005, EPA granted to SJVUAPCD the delegation of 40 CFR Part 63 NESHAP that are applicable to area sources and incorporated by reference in SJVUAPCD Rule 4002, as amended on May 20, 2004. The delegation did not include any standards that are not incorporated by reference in the May 20, 2004, version of Rule 4002. If Rule 4002 is amended in the future, SJVUAPCD will need to submit a new request for delegation of any area source NESHAP that are newly incorporated into Rule 4002. Today's action is serving to notify the public of the October 31, 2005, delegations and to codify these delegations into the Code of Federal Regulations.

#### D. NDEP Delegations

On May 27, 1998, EPA published a direct final action delegating to the Nevada Division of Environmental Protection (NDEP) several NESHAPs

and approving NDEP's delegation mechanism for future standards (see 63 FR 28906). That action explained the procedure for EPA to grant delegations to NDEP by letter, with periodic **Federal Register** listings of standards that have been delegated. On April 4, 2006, NDEP requested delegation of the following 40 CFR Part 63 NESHAPs and amendments:

- Amendments to Subpart LL—NESHAP for Primary Aluminum Production Plants, as published in 70 FR 66280 (November 2, 2005)
- Amendments to Subpart EEE—NESHAP for Hazardous Waste Combustors, as published in 70 FR 59401 (October 12, 2005)
- Amendments to Subpart QQQ—NESHAP for Primary Copper Smelting, as published in 70 FR 40672 (July 14, 2005)
- Amendments to Subpart RRR—NESHAP for Secondary Aluminum Production, as published in 70 FR 57513 (October 3, 2005)
- Subpart FFFF—NESHAP: Miscellaneous Organic Chemical Manufacturing, as published in 70 FR 38553 (July 1, 2005) and amended in 70 FR 51269 (August 30, 2005)
- Amendments to Subpart UUUU—NESHAP for Cellulose Products Manufacturing, as published in 70 FR 46683 (August 10, 2005)
- Amendments to Subpart WWWW—NESHAP: Reinforced Plastic Composites Production, as published in 70 FR 50117 (August 25, 2005)
- Amendments to Subpart CCCCC—NESHAP for Coke Ovens: Pushing, Quenching, and Battery Stacks, as published in 70 FR 44285 (August 2, 2005)
- Subpart EEEEE—NESHAP for Iron and Steel Foundries, as published in the July 1, 2005, Code of Federal Regulations

On May 9, 2006, EPA granted delegation to NDEP for these NESHAPs, along with any amendments to previously-delegated NESHAPs, as of July 1, 2005. Today's action is serving to notify the public of the May 9, 2006, delegations and to codify these delegations into the Code of Federal Regulations.

NDEP also included a request for delegation of amendments to the regulations implementing CAA sections 112(g) and 112(j), codified at 40 CFR Part 63, Subpart B. These requirements need not be delegated under the section 112(l) approval process. When promulgating the regulations implementing section 112(g), EPA stated its view that "the Act directly confers on the permitting authority the obligation to implement section 112(g) and to adopt a program which conforms to the requirements of this rule. Therefore, the permitting authority need not apply for approval under section 112(l) in order to use its own program to implement section 112(g)" (see 61 FR 68397). Similarly, when promulgating the regulations implementing section

112(j), EPA stated its belief that "section 112(l) approvals do not have a great deal of overlap with the section 112(j) provision, because section 112(j) is designed to use the title V permit process as the primary vehicle for establishing requirements" (see 59 FR 26447). Therefore, state or local agencies implementing the requirements under sections 112(g) and 112(j) do not need approval under section 112(l). As a result, EPA is not taking action to delegate 40 CFR Part 63, Subpart B, to NDEP.

#### II. EPA Action

Today's document serves to notify the public of the delegation of NESHAPs to Maricopa County on May 16, 2006, to SJVUAPCD on October 31, 2005, and to NDEP on May 9, 2006. Today's action will codify these delegations into the Code of Federal Regulations.

#### III. Administrative 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 updates the list of approved delegations in the Code of Federal Regulations and imposes no additional requirements. 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 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 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 updates the list of already-approved delegations, 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 state delegation submissions, our 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 state submissions for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a state submission, to use VCS in place of a state 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. 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. section 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 August 28, 2006. 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 63**

Environmental protection, Administrative practice and procedure,

Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of Section 112 of the Clean Air Act, as amended, 42 U.S.C. 7412.

Dated: June 8, 2006.

**Deborah Jordan,**  
*Director, Air Division, Region IX.*

■ Title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

**PART 63—[AMENDED]**

■ 1. The authority citation for Part 63 continues to read as follows:

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

**Subpart E—Approval of State Programs and Delegation of Federal Authorities**

■ 2. Section 63.99 is amended by revising paragraphs (a)(3) and (a)(28)(i), and adding paragraph (a)(5)(B)(10) to read as follows:

**§ 63.99 Delegated Federal Authorities.**

(a) \* \* \*

(3) The following table lists the specific part 63 standards that have been delegated unchanged to the air pollution control agencies in the State of Arizona. The (X) symbol is used to indicate each category that has been delegated.

DELEGATION STATUS FOR PART 63 STANDARDS  
[Arizona]

| Subpart | Description   | ADEQ <sup>1</sup> | MCAQD <sup>2</sup> | PDEQ <sup>3</sup> | PCAQCD <sup>4</sup> |
|---------|---|-------------------|--------------------|-------------------|---------------------|
| A ..... | General Provisions .....  | X                 | X                  | X                 | X                   |
| F ..... | Synthetic Organic Chemical Manufacturing Industry .....   | X                 | X                  | X                 | X                   |
| G ..... | Synthetic Organic Chemical Manufacturing Industry: Process Vents, Storage Vessels, Transfer Operations, and Wastewater. | X                 | X                  | X                 | X                   |
| H ..... | Organic Hazardous Air Pollutants: Equipment Leaks .....   | X                 | X                  | X                 | X                   |
| I ..... | Organic Hazardous Air Pollutants: Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.           | X                 | X                  | X                 | X                   |
| J ..... | Polyvinyl Chloride and Copolymers Production .....  | .....             | X                  | .....             | .....               |
| L ..... | Coke Oven Batteries .....   | X                 | X                  | X                 | X                   |
| M ..... | Perchloroethylene Dry Cleaning .....  | X                 | X                  | X                 | X                   |
| N ..... | Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.   | X                 | X                  | X                 | X                   |
| O ..... | Ethylene Oxide Sterilization Facilities .....   | X                 | X                  | X                 | X                   |
| Q ..... | Industrial Process Cooling Towers .....   | X                 | X                  | X                 | X                   |
| R ..... | Gasoline Distribution Facilities .....  | X                 | X                  | X                 | X                   |

DELEGATION STATUS FOR PART 63 STANDARDS—Continued  
[Arizona]

| Subpart   | Description  | ADEQ <sup>1</sup> | MCAQD <sup>2</sup> | PDEQ <sup>3</sup> | PCAQCD <sup>4</sup> |
|-----------|--|-------------------|--------------------|-------------------|---------------------|
| S .....   | Pulp and Paper .....   | X                 | X                  | X                 | .....               |
| T .....   | Halogenated Solvent Cleaning .....   | X                 | X                  | X                 | X                   |
| U .....   | Group I Polymers and Resins .....  | X                 | X                  | X                 | X                   |
| W .....   | Epoxy Resins Production and Non-Nylon Polyamides Production  | X                 | X                  | X                 | X                   |
| X .....   | Secondary Lead Smelting .....  | X                 | X                  | X                 | X                   |
| AA .....  | Phosphoric Acid Manufacturing Plants .....   | X                 | X                  | X                 | .....               |
| BB .....  | Phosphate Fertilizers Production Plants .....  | X                 | X                  | X                 | .....               |
| CC .....  | Petroleum Refineries .....   | X                 | X                  | X                 | X                   |
| DD .....  | Off-Site Waste and Recovery Operations .....   | X                 | X                  | X                 | X                   |
| EE .....  | Magnetic Tape Manufacturing Operations .....   | X                 | X                  | X                 | X                   |
| GG .....  | Aerospace Manufacturing and Rework Facilities .....  | X                 | X                  | X                 | X                   |
| HH .....  | Oil and Natural Gas Production Facilities .....  | X                 | X                  | X                 |                     |
| JJ .....  | Wood Furniture Manufacturing Operations .....  | X                 | X                  | X                 | X                   |
| KK .....  | Printing and Publishing Industry .....   | X                 | X                  | X                 | X                   |
| LL .....  | Primary Aluminum Reduction Plants .....  | X                 | .....              | X                 | .....               |
| MM .....  | Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills. | .....             | X                  | .....             | .....               |
| OO .....  | Tanks—Level 1 .....  | X                 | X                  | X                 | X                   |
| PP .....  | Containers .....   | X                 | X                  | X                 | X                   |
| QQ .....  | Surface Impoundments .....   | X                 | X                  | X                 | X                   |
| RR .....  | Individual Drain Systems .....   | X                 | X                  | X                 | X                   |
| SS .....  | Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.  | X                 | X                  | X                 | .....               |
| TT .....  | Equipment Leaks—Control Level 1 .....  | X                 | X                  | X                 | .....               |
| UU .....  | Equipment Leaks—Control Level 2 .....  | X                 | X                  | X                 | .....               |
| VV .....  | Oil-Water Separators and Organic-Water Separators .....  | X                 | X                  | X                 | X                   |
| WW .....  | Storage Vessels (Tanks)—Control Level 2 .....  | X                 | X                  | X                 | .....               |
| XX .....  | Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.                      | .....             | X                  | .....             | .....               |
| YY .....  | Generic MACT Standards .....   | X                 | X                  | X                 | .....               |
| CCC ..... | Steel Pickling .....   | X                 | X                  | X                 | .....               |
| DDD ..... | Mineral Wool Production .....  | X                 | X                  | X                 | .....               |
| EEE ..... | Hazardous Waste Combustors .....   | X                 | X                  | X                 | .....               |
| GGG ..... | Pharmaceuticals Production .....   | X                 | X                  | X                 | .....               |
| HHH ..... | Natural Gas Transmission and Storage Facilities .....  | X                 | X                  | X                 | .....               |
| III ..... | Flexible Polyurethane Foam Production .....  | X                 | X                  | X                 | .....               |
| JJJ ..... | Group IV Polymers and Resins .....   | X                 | X                  | X                 | X                   |
| LLL ..... | Portland Cement Manufacturing Industry .....   | X                 | X                  | X                 | .....               |

DELEGATION STATUS FOR PART 63 STANDARDS—Continued  
[Arizona]

| Subpart | Description   | ADEQ <sup>1</sup> | MCAQD <sup>2</sup> | PDEQ <sup>3</sup> | PCAQCD <sup>4</sup> |
|---------|---|-------------------|--------------------|-------------------|---------------------|
| MMM     | Pesticide Active Ingredient Production  | X                 | X                  | X                 |                     |
| NNN     | Wool Fiberglass Manufacturing   | X                 | X                  | X                 |                     |
| OOO     | Manufacture of Amino/Phenolic Resins  |                   | X                  | X                 |                     |
| PPP     | Polyether Polyols Production  | X                 | X                  | X                 |                     |
| QQQ     | Primary Copper Smelting   |                   | X                  | X                 |                     |
| RRR     | Secondary Aluminum Production   |                   | X                  | X                 |                     |
| TTT     | Primary Lead Smelting   | X                 | X                  | X                 |                     |
| UUU     | Petroleum Refineries: Catalytic Cracking, Catalytic Reforming, and Sulfur Recovery Units. |                   | X                  | X                 |                     |
| VVV     | Publicly Owned Treatment Works  |                   | X                  | X                 |                     |
| XXX     | Ferroalloys Production  | X                 | X                  | X                 |                     |
| AAAA    | Municipal Solid Waste Landfills   |                   | X                  | X                 |                     |
| CCCC    | Manufacturing of Nutritional Yeast  |                   | X                  | X                 |                     |
| EEEE    | Organic Liquids Distribution (non-gasoline)   |                   | X                  | X                 |                     |
| FFFF    | Miscellaneous Organic Chemical Manufacturing  |                   | X                  | X                 |                     |
| GGGG    | Solvent Extraction for Vegetable Oil Production   |                   | X                  | X                 |                     |
| HHHH    | Wet-Formed Fiberglass Mat Production  |                   | X                  | X                 |                     |
| IIII    | Surface Coating of Automobiles and Light-Duty Trucks                                      |                   | X                  |                   |                     |
| JJJJ    | Paper and Other Web Coating   |                   | X                  | X                 |                     |
| KKKK    | Surface Coating of Metal Cans   |                   | X                  | X                 |                     |
| MMMM    | Miscellaneous Metal Parts and Products  |                   | X                  | X                 |                     |
| NNNN    | Large Appliances  |                   | X                  | X                 |                     |
| OOOO    | Printing, Coating, and Dyeing of Fabrics and Other Textiles                               |                   | X                  | X                 |                     |
| PPPP    | Surface Coating of Plastic Parts and Products   |                   | X                  |                   |                     |
| QQQQ    | Wood Building Products  |                   | X                  | X                 |                     |
| RRRR    | Surface Coating of Metal Furniture  |                   | X                  | X                 |                     |
| SSSS    | Surface Coating of Metal Coil   |                   | X                  | X                 |                     |
| TTTT    | Leather Finishing Operations  |                   | X                  | X                 |                     |
| UUUU    | Cellulose Products Manufacturing  |                   | X                  | X                 |                     |
| VVVV    | Boat Manufacturing  |                   | X                  | X                 |                     |
| WWWW    | Reinforced Plastics Composites Production   |                   | X                  | X                 |                     |
| XXXX    | Tire Manufacturing  |                   | X                  | X                 |                     |
| YYYY    | Stationary Combustion Turbines  |                   | X                  | X                 |                     |
| ZZZZ    | Stationary Reciprocating Internal Combustion Engines                                      |                   | X                  |                   |                     |
| AAAAA   | Lime Manufacturing Plants   |                   | X                  | X                 |                     |
| BBBBB   | Semiconductor Manufacturing   |                   | X                  | X                 |                     |
| CCCCC   | Coke Oven: Pushing, Quenching and Battery Stacks  |                   | X                  | X                 |                     |

DELEGATION STATUS FOR PART 63 STANDARDS—Continued  
[Arizona]

| Subpart | Description   | ADEQ <sup>1</sup> | MCAQD <sup>2</sup> | PDEQ <sup>3</sup> | PCAQCD <sup>4</sup> |
|---------|---|-------------------|--------------------|-------------------|---------------------|
| EEEEEE  | Iron and Steel Foundries                                |                   | X                  | X                 |                     |
| FFFFF   | Integrated Iron and Steel                               |                   | X                  | X                 |                     |
| GGGGG   | Site Remediation  |                   | X                  | X                 |                     |
| HHHHH   | Miscellaneous Coating Manufacturing                     |                   | X                  | X                 |                     |
| IIIII   | Mercury Emissions from Mercury Cell Chlor-Alkali Plants |                   | X                  | X                 |                     |
| JJJJJ   | Brick and Structural Clay Products Manufacturing        |                   | X                  | X                 |                     |
| KKKKK   | Clay Ceramics Manufacturing                             |                   | X                  | X                 |                     |
| LLLLL   | Asphalt Roofing and Processing                          |                   | X                  | X                 |                     |
| MMMMM   | Flexible Polyurethane Foam Fabrication Operation        |                   | X                  | X                 |                     |
| NNNNN   | Hydrochloric Acid Production                            |                   | X                  | X                 |                     |
| PPPPP   | Engine Test Cells/Stands                                | ;                 | X                  | X                 |                     |
| QQQQQ   | Friction Products Manufacturing                         |                   | X                  | X                 |                     |
| RRRRR   | Taconite Iron Ore Processing                            |                   | X                  | X                 |                     |
| SSSSS   | Refractory Products Manufacturing                       |                   | X                  | X                 |                     |
| TTTTT   | Primary Magnesium Refining                              |                   | X                  | X                 |                     |

<sup>1</sup> Arizona Department of Environmental Quality.  
<sup>2</sup> Maricopa County Air Quality Department.  
<sup>3</sup> Pima County Department of Environmental Quality.  
<sup>4</sup> Pinal County Air Quality Control District.

\* \* \* \* \*  
 (5) \* \* \*  
 (B) \* \* \*  
 (10) San Joaquin Valley Unified Air  
 Pollution Control District, only for  
 standards promulgated in this part and

incorporated by reference in district  
 Rule 4002, amended on May 20, 2004.  
 \* \* \* \* \*  
 (28) \* \* \*  
 (i) The following table lists the  
 specific part 63 standards that have

been delegated unchanged to the air  
 pollution control agencies in the State of  
 Nevada. The (X) symbol is used to  
 indicate each category that has been  
 delegated.

DELEGATION STATUS FOR PART 63 STANDARDS  
[Nevada]

| Subpart | Description   | NDEP <sup>1</sup> | WCAQMD <sup>2</sup> | CCDAQM <sup>3</sup> |
|---------|---|-------------------|---------------------|---------------------|
| A       | General Provisions  | X                 | X                   |                     |
| F       | Synthetic Organic Chemical Manufacturing Industry   | X                 |                     |                     |
| G       | Synthetic Organic Chemical Manufacturing Industry: Process Vents, Storage Vessels, Transfer Operations, and Wastewater. | X                 |                     |                     |
| H       | Organic Hazardous Air Pollutants: Equipment Leaks   | X                 |                     |                     |
| I       | Organic Hazardous Air Pollutants: Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.           | X                 |                     |                     |
| J       | Polyvinyl Chloride and Copolymers Production  | X                 |                     |                     |
| L       | Coke Oven Batteries   | X                 |                     |                     |
| M       | Perchloroethylene Dry Cleaning  | X                 | X                   |                     |
| N       | Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.   | X                 | X                   |                     |

DELEGATION STATUS FOR PART 63 STANDARDS—Continued  
[Nevada]

| Subpart   | Description   | NDEP <sup>1</sup> | WCAQMD <sup>2</sup> | CCDAQM <sup>3</sup> |
|-----------|---|-------------------|---------------------|---------------------|
| O .....   | Ethylene Oxide Sterilization Facilities .....   | X                 | X                   | .....               |
| Q .....   | Industrial Process Cooling Towers .....   | X                 | .....               | .....               |
| R .....   | Gasoline Distribution Facilities .....  | X                 | X                   | .....               |
| S .....   | Pulp and Paper .....  | X                 | .....               | .....               |
| T .....   | Halogenated Solvent Cleaning .....  | X                 | X                   | .....               |
| U .....   | Group I Polymers and Resins .....   | X                 | .....               | .....               |
| W .....   | Epoxy Resins Production and Non-Nylon Polyamides Production .....                                     | X                 | .....               | .....               |
| X .....   | Secondary Lead Smelting .....   | X                 | .....               | .....               |
| Y .....   | Marine Tank Vessel Loading Operations .....   | X                 | .....               | .....               |
| AA .....  | Phosphoric Acid Manufacturing Plants .....  | X                 | .....               | .....               |
| BB .....  | Phosphate Fertilizers Production Plants .....   | X                 | .....               | .....               |
| CC .....  | Petroleum Refineries .....  | X                 | .....               | .....               |
| DD .....  | Off-Site Waste and Recovery Operations .....  | X                 | .....               | .....               |
| EE .....  | Magnetic Tape Manufacturing Operations .....  | X                 | .....               | .....               |
| GG .....  | Aerospace Manufacturing and Rework Facilities .....   | X                 | .....               | .....               |
| HH .....  | Oil and Natural Gas Production Facilities .....   | X                 | .....               | .....               |
| II .....  | Shipbuilding and Ship Repair (Surface Coating) .....  | X                 | .....               | .....               |
| JJ .....  | Wood Furniture Manufacturing Operations .....   | X                 | .....               | .....               |
| KK .....  | Printing and Publishing Industry .....  | X                 | X                   | .....               |
| LL .....  | Primary Aluminum Reduction Plants .....   | X                 | .....               | .....               |
| MM .....  | Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills. | X                 | .....               | .....               |
| OO .....  | Tanks—Level 1 .....   | X                 | .....               | .....               |
| PP .....  | Containers .....  | X                 | .....               | .....               |
| QQ .....  | Surface Impoundments .....  | X                 | .....               | .....               |
| RR .....  | Individual Drain Systems .....  | X                 | .....               | .....               |
| SS .....  | Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process. | X                 | .....               | .....               |
| TT .....  | Equipment Leaks—Control Level 1 .....   | X                 | .....               | .....               |
| UU .....  | Equipment Leaks—Control Level 2 .....   | X                 | .....               | .....               |
| VV .....  | Oil-Water Separators and Organic-Water Separators .....   | X                 | .....               | .....               |
| WW .....  | Storage Vessels (Tanks)—Control Level 2 .....   | X                 | .....               | .....               |
| XX .....  | Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.                     | X                 | .....               | .....               |
| YY .....  | Generic MACT Standards .....  | X                 | .....               | .....               |
| CCC ..... | Steel Pickling .....  | X                 | .....               | .....               |
| DDD ..... | Mineral Wool Production .....   | X                 | .....               | .....               |
| EEE ..... | Hazardous Waste Combustors .....  | X                 | .....               | .....               |

DELEGATION STATUS FOR PART 63 STANDARDS—Continued  
[Nevada]

| Subpart | Description   | NDEP <sup>1</sup> | WCAQMD <sup>2</sup> | CCDAQM <sup>3</sup> |
|---------|---|-------------------|---------------------|---------------------|
| GGG     | Pharmaceuticals Production  | X                 |                     |                     |
| HHH     | Natural Gas Transmission and Storage Facilities   | X                 |                     |                     |
| III     | Flexible Polyurethane Foam Production   | X                 |                     |                     |
| JJJ     | Group IV Polymers and Resins  | X                 |                     |                     |
| LLL     | Portland Cement Manufacturing Industry  | X                 |                     |                     |
| MMM     | Pesticide Active Ingredient Production  | X                 |                     |                     |
| NNN     | Wool Fiberglass Manufacturing   | X                 |                     |                     |
| OOO     | Manufacture of Amino/Phenolic Resins  | X                 |                     |                     |
| PPP     | Polyether Polyols Production  | X                 |                     |                     |
| QQQ     | Primary Copper Smelting   | X                 |                     |                     |
| RRR     | Secondary Aluminum Production   | X                 |                     |                     |
| TTT     | Primary Lead Smelting   | X                 |                     |                     |
| UUU     | Petroleum Refineries: Catalytic Cracking, Catalytic Reforming, and Sulfur Recovery Units. | X                 |                     |                     |
| VVV     | Publicly Owned Treatment Works  | X                 |                     |                     |
| XXX     | Ferroalloys Production  | X                 |                     |                     |
| AAAA    | Municipal Solid Waste Landfills   | X                 |                     |                     |
| CCCC    | Manufacturing of Nutritional Yeast  | X                 |                     |                     |
| EEEE    | Organic Liquids Distribution (non-gasoline)   | X                 |                     |                     |
| FFFF    | Miscellaneous Organic Chemical Manufacturing  | X                 |                     |                     |
| GGGG    | Solvent Extraction for Vegetable Oil Production   | X                 |                     |                     |
| HHHH    | Wet-Formed Fiberglass Mat Production  | X                 |                     |                     |
| JJJJ    | Paper and Other Web Coating   | X                 |                     |                     |
| KKKK    | Surface Coating of Metal Cans   | X                 |                     |                     |
| MMMM    | Miscellaneous Metal Parts and Products  | X                 |                     |                     |
| NNNN    | Large Appliances  | X                 |                     |                     |
| OOOO    | Printing, Coating, and Dyeing of Fabrics and Other Textiles                               | X                 |                     |                     |
| QQQQ    | Wood Building Products  | X                 |                     |                     |
| RRRR    | Surface Coating of Metal Furniture  | X                 |                     |                     |
| SSSS    | Surface Coating of Metal Coil   | X                 |                     |                     |
| TTTT    | Leather Finishing Operations  | X                 |                     |                     |
| UUUU    | Cellulose Products Manufacturing  | X                 |                     |                     |
| VVVV    | Boat Manufacturing  | X                 |                     |                     |
| WWWW    | Reinforced Plastics Composites Production   | X                 |                     |                     |
| XXXX    | Tire Manufacturing  | X                 |                     |                     |
| YYYY    | Stationary Combustion Turbines  | X                 |                     |                     |
| ZZZZ    | Stationary Reciprocating Internal Combustion Engines                                      | X                 |                     |                     |

DELEGATION STATUS FOR PART 63 STANDARDS—Continued  
[Nevada]

| Subpart | Description  | NDEP <sup>1</sup> | WCAQMD <sup>2</sup> | CCDAQM <sup>3</sup> |
|---------|--|-------------------|---------------------|---------------------|
| AAAAA   | Lime Manufacturing Plants  | X                 |                     |                     |
| BBBBB   | Semiconductor Manufacturing  | X                 |                     |                     |
| CCCCC   | Coke Oven: Pushing, Quenching and Battery Stacks                     | X                 |                     |                     |
| DDDDD   | Industrial, Commercial, and Institutional Boiler and Process Heaters | X                 |                     |                     |
| EEEEE   | Iron and Steel Foundries   | X                 |                     |                     |
| FFFFF   | Integrated Iron and Steel  | X                 |                     |                     |
| JJJJJ   | Brick and Structural Clay Products Manufacturing                     | X                 |                     |                     |
| KKKKK   | Clay Ceramics Manufacturing  | X                 |                     |                     |
| LLLLL   | Asphalt Roofing and Processing                                       | X                 |                     |                     |
| MMMMM   | Flexible Polyurethane Foam Fabrication Operation                     | X                 |                     |                     |
| NNNNN   | Hydrochloric Acid Production   | X                 |                     |                     |
| PPPPP   | Engine Test Cells/Standards  | X                 |                     |                     |
| QQQQQ   | Friction Products Manufacturing                                      | X                 |                     |                     |
| SSSSS   | Refractory Products Manufacturing                                    | X                 |                     |                     |

<sup>1</sup> Nevada Division of Environmental Protection.

<sup>2</sup> Washoe County Air Quality Management Division.

<sup>3</sup> Clark County Department of Air Quality Management.

\* \* \* \* \*

[FR Doc. 06-5841 Filed 6-27-06; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[EPA-HQ-OPP-2006-0395; FRL-8068-2]

**Myclobutanil; Pesticide Tolerances for Emergency Exemptions**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes time-limited tolerances for legume vegetables (except soybeans) and foliage of legume vegetables (except soybeans) of myclobutanil in or on vegetable, legume (except soybeans) and vegetable, foliage of legume (except soybeans). This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on vegetable, legume (except soybeans) and vegetable, foliage of legume (except soybeans). This regulation establishes a maximum permissible level for residues of

myclobutanil in this food commodity. These tolerances will expire and are revoked on June 30, 2009.

**DATES:** This regulation is effective June 28, 2006. Objections and requests for hearings must be received on or before August 28, 2006, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2006-0395. All documents in the docket are listed in the index for the docket. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday,

excluding legal holidays. The telephone number for the Docket Facility is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** Stacey Groce, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-2505; e-mail address: [groce.stacey@epa.gov](mailto:groce.stacey@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this Action Apply to Me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to