

which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(h) of the Instruction from further environmental documentation.

Under figure 2-1, paragraph (34)(h), of the Instruction, an "Environmental Analysis Check List" is not required for this rule.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

#### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

##### § 100.710 [Suspended]

■ 2. From July 17 to 22, 2006, suspend § 100.710.

■ 3. From July 17 to 22, 2006, add a new temporary § 100.T07-108 to read as follows:

##### § 100.T07-108 Annual Greater Jacksonville Kingfish Tournament; Jacksonville, Florida.

(a) *Regulated Area.* A regulated area is established for the waters of the St. Johns River lying between an eastern boundary of the St. Johns River Lighted Buoy 10 (LLNR 2190) in approximate position 30-24.376N, 081-24.998W, and the western boundary formed by Lighted Buoy 25 (LLNR 7305) in approximate position 30-23.40N, 081-28.26W, and Short Cut Light 26 (LLNR 7130) in approximate position 30-23.46N, 081-28.16W with the northern and southern boundaries formed by the banks of the St. Johns and extended north from the boundary formed by the St. Johns River and the Intracoastal Waterway, Sisters Creek, to Lighted Buoy 83 (LLNR 38330) on the Intracoastal Waterway.

(b) *Definition.* The following definition applies to this section:

*Minimum Safe Speed* means the speed at which a vessel proceeds when it is fully off plane, completely settled in the water and not creating excessive wake. Due to the different speeds at

which vessels of different sizes and configurations may travel while in compliance with this definition, no specific speed is assigned to minimum safe speed. In no instance should minimum safe speed be interpreted as a speed less than that required for a particular vessel to maintain steerageway. A vessel is not proceeding at minimum safe speed if it is:

(1) On a plane;

(2) In the process of coming up onto or coming off a plane; or

(3) Creating an excessive wake.

(c) *Regulations.* Vessels operating in the regulated area must operate at Minimum Safe Speed.

(d) *Enforcement Period.* This section will be enforced from 5 a.m. to 10 p.m. on July 17 to July 22, 2006.

Dated: June 12, 2006.

**D.W. Kunkel,**

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. E6-10585 Filed 7-13-06; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[RI-44-1222c; FRL-8185-1]

#### Approval and Promulgation of Air Quality Implementation Plans; Rhode Island Update to Materials Incorporated by Reference

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

**ACTION:** Final rule; Notice of administrative change.

**SUMMARY:** EPA is publishing this action to provide the public with notice of the update to the Rhode Island State Implementation Plan (SIP) compilation. In particular, materials submitted by Rhode Island that are incorporated by reference (IBR) into the Rhode Island SIP are being updated to reflect EPA-approved revisions to Rhode Island's SIP that have occurred since the last update. In this action, EPA is also notifying the public of the correction of typographical errors within the table in the regulations, and modification of the **Federal Register** citations to reflect the first page of the applicable **Federal Register** document.

**DATES:** This action is effective July 14, 2006.

**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, New England

Regional Office (Region 1), One Congress Street, Suite 1100, Boston, MA 02114-2023; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue NW., Room B-108, Washington, DC 20460; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**FOR FURTHER INFORMATION CONTACT:** Mr. Donald Cooke, Environmental Scientist, at the above EPA New England Region address or at (617) 918-1668 or by e-mail at [cooke.donald@epa.gov](mailto:cooke.donald@epa.gov).

**SUPPLEMENTARY INFORMATION:** The State Implementation Plan (SIP) is a living document which the State can revise as necessary to address its unique air pollution problems. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997, (62 FR 27968), EPA revised the procedures for incorporation by reference (IBR) federally-approved SIPs, as a result of consultations between EPA and the Office of Federal Register (OFR). The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997 **Federal Register** document. On August 9, 1999 (64 FR 43083), EPA published a **Federal Register** beginning the new IBR procedure for Rhode Island. In this document, EPA is doing the following:

1. Announcing the update to the Rhode Island IBR material as of June 2, 2006.

2. Making a correction in the table to § 52.2070(c), nineteenth entry "Air Pollution Control Regulation 19."—Explanations column, corrected reference to Air Pollution Control Regulation 35, Control of VOCs and Volatile Hazardous Air Ants from Wood Products Manufacturing Operations.

3. Making a correction in the table to § 52.2070(c), twentieth entry "Air Pollution Control Regulation 21."—Explanations column, replace the word "on" with the word "of" in the third sentence.

4. Making a correction in the table to § 52.2070(d), second entry "Stanley Bostitch Division, Bostitch Division of Textron."—Explanations column, reinsert the two deleted words, "must meet," at the end of the last sentence.

5. Making a correction in the table to § 52.2070(d), third entry "Keene

Corporation, East Providence, RI (A.H. File No. 85-10-AP).”—The correct **Federal Register** citation is August 31, 1987, (52 FR 32793).

6. Making a correction in the table to § 52.2070(d), fourth entry “Tech Industries.”—Explanations column, replace closing parenthesis with closing bracket in the first sentence.

7. Making a correction in the table to § 52.2070(e), first entry “Notice of public hearing.”—The correct **Federal Register** citation is June 15, 1972, (37 FR 11914).

8. Making a correction in the table to § 52.2070(e), thirteenth entry “Letter from RI DEM submitting revisions.”—Explanation column, replace States’ (plural, possessive) with State’s (singular, possessive).

9. Making a correction in the table to § 52.2070(e), fourteenth entry “Letter from RI DEM submitting revisions—Rhode Island’s 15 Percent Plan and Contingency Plan.”—Explanation column, last paragraph modified to reflect EPA’s disapproval of portions of these SIP submissions, were corrected by State’s September 21, 1998 SIP revisions.

10. Insert a new entry in the table to § 52.2070(e), directly following the fourteenth entry “Letter from RI DEM submitting revisions—Rhode Island’s 15 Percent Plan and Contingency Plan.”—This new entry entitled “Revisions to the state Implementation Plan submitted by the Rhode Island Department of Environmental Management on September 21, 1998” was submitted September 21, 1998, and addressed in a December 8, 1998 **Federal Register** (63 FR 67594). This entry reflects EPA’s approval of portions of 15 Percent Plan and Contingency Plan not approved in the entry immediately before.

11. Correcting typographical errors listed in § 52.2070(c), (d) and (e) tables.—Modifying the **Federal Register** citation to reflect the beginning page of the preamble as opposed to the page of the regulatory text.

EPA has determined that today’s rule falls under the “good cause” exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding “good cause,” authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today’s rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs, and corrects typographical errors. Under section 553 of the APA, an agency may find good

cause where procedures are “impractical, unnecessary, or contrary to the public interest.” Public comment is “unnecessary” and “contrary to the public interest” since the codification (and typographical corrections) only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations and incorrect chart entries.

## 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 standard, 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. 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. 804(2).

### C. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act, pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Rhode Island SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for this “Identification of

plan” reorganization update action for Rhode Island.

**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: June 7, 2006.

**Robert W. Varney,**

*Regional Administrator, EPA New England.*

■ Chapter I, title 40, Code of Federal Regulations, is amended as follows:

**PART 52—[AMENDED]**

■ 1. The authority for citation for part 52 continues to read as follows:

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

**Subpart OO—Rhode Island**

■ 2. Section 52.2070 is amended by revising paragraphs (b), (c), (d) and (e) to read as follows:

**§ 52.2070 Identification of plan.**

\* \* \* \* \*

(b) *Incorporation by reference.* (1) Material listed in paragraph (c) and (d) of this section with an EPA approval date prior to June 2, 2006, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after June 2, 2006, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 1 certifies that the rules/regulations provided by EPA in

the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the State Implementation Plan as of June 2, 2006.

(3) Copies of the materials incorporated by reference may be inspected at the New England Regional Office of EPA at One Congress Street, Suite 1100, Boston, MA 02114–2023; the EPA, Air and Radiation Docket and Information Center, Air Docket (Mail Code 6102T), Room B–108, 1301 Constitution Avenue, NW., Washington, DC 20460 and the National Archives and Records Administration. For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) EPA approved regulations.

**EPA APPROVED RHODE ISLAND REGULATIONS**

State citation	Title/subject	State effective date	EPA approval date	Explanations
Air Pollution Control Regulation 1.	Visible emissions .....	02/22/77	05/07/81, 46 FR 25446	
Air Pollution Control Regulation 2.	Handling of soft coal ....	02/22/77	05/07/81, 46 FR 25446	
Air Pollution Control Regulation 3.	Particulate emissions from industrial processes.	02/22/77	05/07/81, 46 FR 25446	
Air Pollution Control Regulation 4.	Open fires .....	02/22/77	05/07/81, 46 FR 25446	
Air Pollution Control Regulation 5.	Fugitive dust. ....	02/22/77	05/07/81, 46 FR 25446	
Air Pollution Control Regulation 6.	Continuous emission monitors.	11/22/89	09/30/91, 56 FR 49414 .....	RI Air Pollution Control Regulation Number 6 is also referred to by the title “Opacity Monitors”.
Air Pollution Control Regulation 7.	Emission of air contaminants detrimental to persons or property.	07/19/77	05/07/81, 46 FR 25446	
Air Pollution Control Regulation 8.	Sulfur content of fuels	05/02/85	01/08/86, 51 FR 755	
Air Pollution Control Regulation 9.	Air pollution control permits.	04/08/96	12/02/99, 64 FR 67495 .....	Definition of VOC revised. All of No. 9 is approved with the exception of Sections 9.13, 9.14, 9.15, and Appendix A which Rhode Island did not submit as part of SIP revision.
Air Pollution Control Regulation 10.	Air pollution episodes ..	02/22/77	05/07/81, 46 FR 25446	
Air Pollution Control Regulation 11.	Petroleum liquids marketing and storage.	01/31/93	12/17/93, 58 FR 65930	
Air Pollution Control Regulation 12.	Incinerators .....	04/22/81	04/26/82, 47 FR 17816	
Air Pollution Control Regulation 13.	Particulate emissions from fossil fuel fired steam or hot water generating units.	10/05/82	03/29/83, 48 FR 13026	
Air Pollution Control Regulation 14.	Record keeping and reporting.	04/08/96	12/02/99, 64 FR 67495 .....	Definition of VOC revised
Air Pollution Control Regulation 15.	Control of organic solvent emissions.	04/08/96	12/02/99, 64 FR 67495 .....	Limited approval. Applicability threshold decreased to 50 tpy. Definition of VOC revised. All of No. 15 is approved with the except of 15.2.2 which Rhode Island did not submit as part of the SIP revision.

## EPA APPROVED RHODE ISLAND REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Air Pollution Control Regulation 16.	Operation of air pollution control system.	02/22/77	05/07/81, 46 FR 25446	
Air Pollution Control Regulation 17.	Odors .....	02/22/77	05/07/81, 46 FR 25446	
Air Pollution Control Regulation 18.	Control of Emissions from Organic Solvent Cleaning.	Withdrawn	12/02/99, 64 FR 67495 .....	No. 18 is superseded by No. 36.
Air Pollution Control Regulation 19.	Control of Volatile Organic Compounds from Surface Coating Operations.	03/07/96	12/02/99, 64 FR 67495 .....	Definition of VOC revised. Wood products requirements deleted because state adopted new Regulation No. 35 which addresses wood products. Except 19.2.2.
Air Pollution Control Regulation 21.	Control of Volatile Organic Compounds from Printing Operations.	04/08/96	12/02/99, 64 FR 67495 .....	Applicability threshold decreased to 50 tpy. Definition of VOC revised. All of No. 21 is approved with the exception of Section 21.2.3 which the State did not submit as part of the SIP revision.
Air Pollution Control Regulation 25.	Control of VOC Emissions from Cutback and Emulsified Asphalt.	04/08/96	12/02/99, 64 FR 67495 .....	Definition of VOC revised. All of No. 25 is approved with the exception of Section 25.2.2 which the state did not submit as part of the SIP revision.
Air Pollution Control Regulation 26.	Control of Organic Solvent Emissions from Manufacture of Synthesized Pharmaceutical Products.	04/08/96	12/02/99, 64 FR 67495 .....	Definition of VOC revised. All of No. 26 is approved with the exception of 26.2.3 which the state did not submit as part of the SIP revision.
Air Pollution Control Regulation 27.	Control of nitrogen oxide emissions.	01/16/96	09/02/97, 62 FR 46202	
Air Pollution Control Regulation 29.3.	Emissions Caps .....	04/28/95	03/22/96, 61 FR 11731 .....	This rule limits a source's potential to emit, therefore avoiding RACT, Title V Operating Permit.
Air Pollution Control Regulation 30.	Control of VOCs from Automotive Refinishing Operations.	04/08/96	12/02/99, 64 FR 67495 .....	Definition of VOC revised. All of No. 30 is approved with the exception of Section 30.2.2 which the state did not submit as part of the SIP revision.
Air Pollution Control Regulation 31.	Control of VOCs from Commercial and Consumer Products.	04/08/96	12/02/99, 64 FR 67495 .....	Definition of VOC revised. All of No. 31 is approved with the exception of Section 31.2.2 which the state did not submit as part of the SIP revision.
Air Pollution Control Regulation 32.	Control of VOCs from Marine Vessel Loading Operations.	04/08/96	12/02/99, 64 FR 67495 .....	Definition of VOC revised. All of No. 32 is approved with the exception of Section 32.2.2 which the state did not submit as part of the SIP revision.
Air Pollution Control Regulation 33.	Control of VOCs from Architectural Coatings and Industrial Maintenance Coatings.	04/08/96	12/02/99, 64 FR 67495 .....	Definition of VOC revised. All of No. 33 is approved with the exception of Section 33.2.2 which the state did not submit as part of the SIP revision.
Air Pollution Control Regulation 34.	Rhode Island Motor Vehicle Inspection/Maintenance Program.	03/30/00	02/09/01, 66 FR 9661 .....	Department of Environmental Management regulation containing I/M standards.
Air Pollution Control Regulation 35.	Control of VOCs and Volatile Hazardous Air Pollutants from Wood Products Manufacturing Operations.	07/07/96	12/02/99, 64 FR 67495 .....	All of No. 35 is approved with the exception of Section 35.2.3 which the state did not submit as part of the SIP revision.
Air Pollution Control Regulation 36.	Control of Emissions from Organic Solvent Cleaning.	04/18/96	12/02/99, 64 FR 67495 .....	All of No. 36 is approved with the exception of Section 36.2.2 which the state did not submit as part of the SIP revision.
Air Pollution Control Regulation 37.	Rhode Island's Low Emission Vehicle Program.	12/07/99	03/09/00, 65 FR 12476 .....	Includes National LEV as a compliance alternative.
Air Pollution Control Regulation 38.	Nitrogen Oxides Allowance Program.	06/10/98	06/02/99, 64 FR 29567	
Air Pollution Control Regulation 41.	NO <sub>x</sub> Budget Trading Program.	10/01/99	12/27/00, 65 FR 81743	
Rhode Island Motor Vehicle Safety and Emissions Control Regulation No. 1.	Rhode Island Motor Vehicle Inspection/Maintenance Program.	01/31/01	02/09/01, 66 FR 9661 .....	Department of Administration regulations for the I/M program.

(d) EPA-approved State Source specific requirements.

## EPA—APPROVED RHODE ISLAND SOURCE SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Explanations
Narragansett Electric Company, South Street Station in Providence.	A.H. File No. 83-12-AP .....	08/29/83	07/27/84, 49 FR 30177.	Revisions to Air Pollution Control Regulation 8, "Sulfur Content of Fuels," specifying maximum sulfur-in-coal limits (1.21 lbs/MMBtu on a 30-day rolling average and 2.31 lbs/MMBtu on a 24-hour average). These revisions approve Section 8.3.4, "Large Fuel Burning Devices Using Coal," for South Street Station only.
Stanley Bostitch, Bostitch Division of Textron.	A.H. File No. 85-8-AP .....	06/06/85	12/11/86, 51 FR 44604.	RI DEM and Bostitch administrative consent agreement effective 6/6/85. Requires Bostitch to reformulate certain solvent-based coatings to low/no solvent formulation by 12/31/86. Also addendum dated 9/20/85 defining emission limitations reformulated coatings must meet. (A) An administrative consent agreement between the RI DEM and Bostitch Division of Textron. (B) A letter to Bostitch Division of Textron from the RI DEM dated September 20, 1985 which serves as an addendum to the consent agreement. The addendum defines the emission limitations which Bostitch's Division of Textron reformulated coatings must meet.
Keene Corporation, East Providence, RI.	A.H. File No. 85-10-AP .....	09/12/85	08/31/87, 52 FR 32793.	RI DEM and Keene Corporation administrative consent agreement effective 9/12/85. Granting final compliance date extension for the control of organic solvent emissions from six paper coating lines. (A) Letter from the RI DEM dated November 5, 1985 submitting revisions to the RI SIP. (B) An administrative consent agreement between the RI DEM and Keene Corporation.
Tech Industries .....	File No. 86-12-AP .....	11/24/87	03/10/89, 54 FR 10145.	RI DEM and Tech Industries original administrative consent agreement (86-12-AP) [except for provisions 7 and 8] effective 6/12/86, an addendum effective 11/24/87, defining and imposing reasonably available control technology to control volatile organic compounds. (A) An administrative consent agreement (86-12-AP), except for Provisions 7 and 8, between the RI DEM and Tech Industries effective June 12, 1986. (B) An addendum to the administrative consent agreement (86-12-AP) between the RI DEM and Tech Industries. The addendum was effective November 24, 1987. (C) Letters dated May 6, 1987; October 15, 1987; and January 4, 1988 submitted to the EPA by the RI DEM.
University of Rhode Island ...	A.P. File No. 87-5-AP .....	03/17/87	09/19/89, 54 FR 38517.	Revisions to the SIP submitted by the RI DEM on April 28, 1989, approving a renewal of a sulfur dioxide bubble for the University of Rhode Island.
University of Rhode Island ...	File No. 95-50-AP .....	03/12/96	09/02/97, 62 FR 46202.	An administrative consent agreement between RIDEM and University of Rhode Island, Alternative NO <sub>x</sub> RACT (RI Regulation 27.4.8)
Providence Metallizing in Pawtucket, Rhode Island.	File No. 87-2-AP .....	04/24/90	09/06/90, 55 FR 36635.	Define and impose RACT to control volatile organic compound emissions. (A) Letter from the RIDEM dated April 26, 1990, submitting a revision to the RI SIP. (B) An administrative consent agreement (87-2-AP) between the RI DEM and Providence Metallizing effective July 24, 1987.

## EPA—APPROVED RHODE ISLAND SOURCE SPECIFIC REQUIREMENTS—Continued

Name of source	Permit No.	State effective date	EPA approval date	Explanations
Tillotson-Pearson in Warren, Rhode Island.	File No. 90-1-AP .....	06/05/90	08/31/90, 55 FR 35623.	(C) An amendment to the administrative consent agreement (87-2-AP) between the RI DEM and Providence Metallizing effective May 4, 1989. (D) An addendum to the administrative consent agreement (87-2-AP) between the RI DEM and Providence Metallizing effective April 24, 1990. Revisions to the SIP submitted by the RI DEM on May 24, 1990, to define and impose RACT to control volatile organic compound emissions. (A) Letter from the RI DEM dated May 24, 1990 submitting a revision to the RI SIP. (B) An Administrative consent agreement (90-1-AP) between the RI DEM and Tillotson-Pearson.
Rhode Island Hospital .....	File No. 95-14-AP .....	11/27/95	09/02/97, 62 FR 46202.	Alternative NO <sub>x</sub> RACT. An administrative consent agreement between the RI DEM and RI Hospital.
Osram Sylvania Incorporated	File No. 96-06-AP .....	09/04/96	09/02/97, 62 FR 46202.	Alternative NO <sub>x</sub> RACT.
	Air Pollution Permit Approval, No. 1350			(A) An Administrative consent agreement between the RI DEM and Osram Sylvania Incorporated, file no. 96-06-AP, effective September 4, 1996. (B) An air pollution Permit approval, no. 1350 Osram Sylvania Incorporated issued by RIDEM effective May 14, 1996.
Algonquin Gas Transmission Company.	File No. 95-52-AP .....	12/05/95	09/02/97, 62 FR 46202.	Alternative NO <sub>x</sub> RACT. (A) Letter from the RI DEM dated September 17, 1996 submitting a revision to the RI SIP. (B) An administrative consent agreement between RIDEM and Algonquin Gas Transmission Company, effective on December 5, 1995.
Bradford Dyeing Association, Inc.	File No. 95-28-AP .....	11/17/95	09/02/97, 62 FR 46202.	Alternative NO <sub>x</sub> RACT. An administrative consent agreement between RIDEM and Bradford Dyeing Association, Inc.
Hoechst Celanese Corporation.	File No. 95-62-AP .....	11/20/95	09/02/97, 62 FR 46202.	Alternative NO <sub>x</sub> RACT. An administrative consent agreement between RIDEM and Hoechst Celanese Corporation.
Naval Education and Training Center in Newport.	File No. 96-07-AP .....	03/04/96	09/02/97, 62 FR 46202.	Alternative NO <sub>x</sub> RACT. An administrative consent agreement between RIDEM and Naval Education and Training Center in Newport.
Rhode Island Economic Development.	File No. 96-04-AP .....	09/02/97	06/02/99, 64 FR 29567.	Alternative NO <sub>x</sub> RACT. A consent agreement between RIDEM and Rhode Island Economic Development Corporation's Central Heating Plant in North Kingstown.
Cranston Print Works .....	A.H. File No. 95-30-AP .....	12/19/95	12/02/99, 64 FR 67495.	Non-CTG VOC RACT Determination.
CCL Custom Manufacturing	A.H. File No. 97-02-AP .....	04/10/97	12/02/99, 64 FR 67495.	Non-CTG VOC RACT Determination.
Victory Finishing Technologies.	A.H. File No. 96-05-AP .....	05/24/96	12/02/99, 64 FR 67495.	Non-CTG VOC RACT Determination.
Quality Spray and Stenciling	A.H. File No. 97-04-AP .....	10/21/97	12/02/99, 64 FR 67495.	Non-CTG VOC RACT Determination.
Guild Music .....	A.H. File No. 95-65-AP .....	11/09/95	12/02/99, 64 FR 67495.	Non-CTG VOC RACT Determination.

(e) Nonregulatory.

RHODE ISLAND NON REGULATORY

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date	Explanations
Notice of public hearing ....	Statewide .....	Submitted 02/09/72 .....	06/15/72, 37 FR 11914 .....	Proposed Implementation Plan Regulations, RI Department of Health.
Miscellaneous non-regulatory additions to the plan correcting minor deficiencies.	Statewide .....	Submitted 02/29/72 .....	07/27/72, 37 FR 15080 .....	Approval and promulgation of Implementation Plan Miscellaneous Amendments, RI Department of Health.
Compliance schedules ....	Statewide .....	Submitted 04/24/73 .....	06/20/73, 38 FR 16144 .....	Submitted by RI Department of Health.
AQMA identifications for the State of Rhode Island.	Statewide .....	Submitted 04/11/74 .....	04/29/75, 40 FR 18726 .....	Submitted by RI Department of Health.
Letter identifying Metropolitan Providence as an AQMA.	Metropolitan Providence ....	Submitted 09/06/74 .....	04/29/75, 40 FR 18726 .....	Submitted by the Governor.
A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR part 58.	Statewide .....	Submitted 01/08/80 .....	01/15/81, 46 FR 3516 .....	Submitted by the RI Department of Environmental Management Director.
Attainment plans to meet the requirements of Part D of the Clean Air Act, as amended in 1977. Included are plans to attain the carbon monoxide and ozone standards and information allowing for the redesignation of Providence to non-attainment for the primary TSP standard based on new data.	Statewide .....	Submitted 05/14/79, 06/11/79, 08/13/79, 01/08/80, 01/24/80, 03/10/80, 03/31/80, 04/21/80, 06/06/80, 06/13/80, 08/20/80, 11/14/80, 03/04/81, 03/05/81 and 04/16/81.	05/07/81, 46 FR 25446 .....	Attainment plans to meet the requirements of Part D of the Clean Air Act, as amended in 1977.
A program for the review of construction and operation of new and modified major stationary sources of pollution in non-attainment areas.	Statewide .....	Submitted 05/14/82; and 07/01/82.	06/28/83, 48 FR 29690 .....	As submitted by RI DEM on May 14, 1982 and July 1, 1982 for review of new major sources and major modifications in nonattainment areas. Also included are revisions to add rules for banking emission reductions.
Certain miscellaneous provisions unrelated to Part D are also included.	Statewide .....	Submitted 05/14/82; 07/01/82; 07/07/82; 10/04/82; and 03/02/83.	07/06/83, 48 FR 31026 .....	Submitted by the Department of Environmental Management.
Section VI, Part II, "Stationary Source Permitting and Enforcement" of the narrative.	Statewide .....	Submitted 07/07/83 .....	09/15/83, 48 FR 41405 .....	Submitted by the Department of Environmental Management.
Revisions to the Rhode Island State Implementation Plan for attainment of the primary National Ambient Air Quality Standard for ozone. 1982 Ozone Attainment Plan.	Statewide .....	Submitted 05/14/82; 07/01/82; 07/07/82; 10/04/82; and 03/02/83.	07/06/83, 48 FR 31026 .....	Submitted by the Department of Environmental Management.
Revisions to attain and maintain the lead NAAQS.	Statewide .....	Submitted 07/07/83 .....	09/15/83, 48 FR 41405 .....	Submitted by the Department of Environmental Management.

## RHODE ISLAND NON REGULATORY—Continued

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date	Explanations
Section VI, Part II of the associated narrative of the RI SIP.	Statewide .....	Submitted 02/06/84; 01/27/84; and 06/06/84.	07/06/84, 49 FR 27749 .....	To incorporate the requirements for the Prevention of Significant Deterioration of 40 CFR 51.24, permitting major stationary sources of lead and other miscellaneous changes.
Letter from RI DEM submitting an amendment to the RI State Implementation Plan. Section VII of the RI SIP Ambient Air Quality Monitoring	Statewide .....	Submitted 01/14/94; and 06/14/94.	10/30/96, 61 FR 55897 .....	A revision to the RI SIP regarding ozone monitoring. RI will modify its SLAMS and its NAMS monitoring systems to include a PAMS network design and establish monitoring sites. The State's SIP revision satisfies 40 CFR 58.20(f) PAMS requirements.
Letter from RI DEM submitting revisions.	Statewide .....	Submitted 03/15/94 .....	10/30/96, 61 FR 55897 .....	Revision to the RI SIP regarding the State's Contingency Plan.
Letter from RI DEM submitting revision—Rhode Island's 15 Percent Plan and Contingency Plan.	Statewide .....	Submitted 03/15/94. ....	04/17/97, 62 FR 18712 .....	<p>The revisions consist of the State's 15 Percent Plan and Contingency Plan. EPA approved only the following portions of these submittals:</p> <p>15 Percent Plan—the EPA approved the calculation of the required emission reductions, and the emission reduction credit claimed from surface coating, printing operations, marine vessel loading, plant closures (0.79 tons per day approved out of 0.84 claimed), cutback asphalt, auto refinishing, stage II, reformulated gas in on-road and off-road engines, and tier I motor vehicle controls.</p> <p>Contingency Plan—the EPA approved the calculation of the required emission reduction, and a portion of the emission reduction credits claimed from Consumer and Commercial products (1.1 tons per day approved out of 1.9 tons claimed), and architectural and industrial maintenance (AIM) coatings (1.9 tons per day approved out of 2.4 tons claimed).</p> <p>EPA's disapproval of portions of these SIP submissions were corrected by State's September 21, 1998 SIP revisions.</p>

## RHODE ISLAND NON REGULATORY—Continued

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date	Explanations
Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on September 21, 1998.	Statewide .....	Submitted 09/21/98 .....	12/08/98, 63 FR 67594 .....	The revisions consist of the State's 15 Percent Plan and Contingency Plan. The EPA is approving the calculation of the required emission reductions, and the emission reduction credit claimed from surface coating operations, printing operations, plant closures, cutback asphalt, synthetic pharmaceutical manufacturing, automobile refinishing, consumer and commercial products, architectural and industrial maintenance coatings, stage II vapor recovery, reformulated gasoline in on-road and off-road engines, tier I motor vehicle controls, and low emitting vehicles. EPA is taking no action at this time on the emission reduction credit claim made for the Rhode Island automobile inspection and maintenance program.
Letter from RI DEM submitting revision for Clean Fuel Fleet Substitution Plan.	Providence (all of Rhode Island) nonattainment area.	10/05/94 .....	03/09/00, 65 FR 12474.	
Letter outlining commitment to National LEV.	Statewide .....	02/22/99 .....	03/09/00, 65 FR 12476 .....	Includes details of the State's commitment to National LEV.
Negative Declaration for Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation and Reactor Processes Control Techniques Guidelines Categories.	Statewide .....	Submitted 04/05/95 .....	12/02/99, 64 FR 67495.	
October 1, 1999, letter from Rhode Island Department of Environmental Management.	Statewide .....	Submitted 10/01/99 .....	12/27/00, 65 FR 81743 .....	Submitted Air Pollution Control Regulation No. 14, "NO <sub>x</sub> Budget Trading Program," and the "NO <sub>x</sub> State Implementation Plan (SIP) Call Narrative."
"NO <sub>x</sub> State Implementation Plan (SIP) Call Narrative," September 22, 1999.	Statewide .....	Submitted 10/01/99 .....	12/27/00, 65 FR 81743.	
November 9, 1999, letter from Rhode Island Department of Environmental Management.	Statewide .....	Submitted 11/09/99 .....	12/27/00, 65 FR 81743 .....	Stating RI's intent to comply with applicable reporting requirements.
Negative Declaration for Aerospace Coating Operations Control Techniques Guideline Category.	Statewide .....	Submitted 03/28/00 .....	07/10/00, 65 FR 42290.	

## RHODE ISLAND NON REGULATORY—Continued

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date	Explanations
September 20, 2001 letter from Rhode Island Department of Environmental Management.	Statewide .....	Submitted 09/20/01 .....	06/20/03, 68 FR 36921 .....	Submitting the "NO <sub>x</sub> State Implementation Plan (SIP) Call Narrative," revised September 2001.
NO <sub>x</sub> State Implementation Plan (SIP) Call Narrative, revised September 2001.	Statewide .....	Submitted 09/20/01 .....	06/20/03, 68 FR 36921.	

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R03-OAR-2005-0480; FRL-8197-1]

#### Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the City of Weirton PM-10 Nonattainment Area to Attainment and Approval of the Maintenance Plan

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a redesignation request and a State Implementation Plan (SIP) revision submitted by the State of West Virginia. This revision requests that EPA redesignate the Weirton nonattainment area (Weirton Area) to attainment for the national ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM-10), and concurrently requests approval of a limited maintenance plan (LMP) as a revision to the West Virginia State Implementation (SIP). In this action, EPA is approving the State's request to redesignate the area from nonattainment to attainment, as well as approving the LMP for the Weirton Area.

**DATES:** *Effective Date:* This final rule is effective on August 14, 2006.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2005-0480. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) Web site. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy for public inspection 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 West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street, SE., Charleston, WV 25304.

**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 May 11, 2006 (71 FR 27440), EPA published a notice of proposed rulemaking (NPR) for the State of West Virginia. The NPR proposed approval of the LMP for the Weirton Area in West Virginia and the State's request to redesignate the area from nonattainment to attainment. EPA also proposed to determine that, because the Weirton Area has continued to attain the PM-10 NAAQS, certain attainment demonstration requirements, along with other related requirements of the CAA, are not applicable to the Weirton Area. West Virginia submitted a request to redesignate the Weirton Area to attainment for PM-10 and a SIP submittal for the related maintenance plan on May 24, 2004.

##### II. Summary of SIP Revision

On May 16, 2001 (66 FR 27034), EPA promulgated a final rule entitled, "Determination of Attainment of the NAAQS for PM-10 in the Weirton, West Virginia Nonattainment Area" finding that the Weirton PM-10 nonattainment had attained the NAAQS for PM-10 by its applicable December 31, 2000 attainment date. In order to be redesignated from nonattainment to attainment, West Virginia requested, in a letter dated October 14, 2003, that EPA apply its clean data policy to the Weirton Area. The redesignation request, dated May 24, 2004, included the associated SIP submittal of the maintenance plan for the Weirton area.

Other specific requirements of the request for redesignation and the associated rationale and the rationale for

EPA's proposed action are explained in the NPR and will not be restated here. EPA received one comment in support of the proposed approval.

##### III. Final Action

EPA is approving the PM-10 redesignation request for the Weirton Area, and also approving the associated limited maintenance plan as a revision to the West Virginia SIP.

##### 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