

Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components").

(b) The Coast Guard, when it is not operating as a Service in the Navy under the agreement with the Department of Homeland Security, and the Commissioned Corps of the Public Health Service (PHS) and the National Oceanic and Atmospheric Administration (NOAA) under agreements with the Departments of Health and Human Services and Commerce (hereafter referred to collectively as the "non-DoD Components").

### § 283.3 Definitions.

*Debt.* An amount an individual owes the Government as the result of erroneous payments of pay and allowances (including travel and transportation allowances) to or on behalf of members of the Uniformed Services or civilian DoD employees.

*Erroneous Payment.* A payment that is not in strict conformity with applicable laws or regulations.

*Uniformed Services.* The Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, and the Commissioned Corps of the PHS and the NOAA.

*Waiver Application.* A request that the United States relinquishes its claim against an individual for a debt resulting from erroneous payments of pay or allowances (including travel and transportation allowances) under 10 U.S.C. 2774, 32 U.S.C. 716, or 5 U.S.C. 5584.

### § 283.4 Policy.

It is DoD policy that:

(a) The officials designated in this part exercise waiver authority that, by statute or delegation, is vested in the Department of Defense.

(b) Waiver applications shall be processed in accordance with all pertinent statutes and regulations, and after consideration of other relevant authorities.

### § 283.5 Responsibilities.

(a) The *General Counsel of the Department of Defense* shall:

(1) If the aggregate amount of the debt is more than \$1,500, deny or grant all or part of a waiver application.

(2) Decide appeals in accordance with procedures promulgated under paragraph (a)(3) of this section.

(3) Develop overall waiver policies and promulgate procedures for considering waiver applications, including an initial determination

process and a process to appeal an initial determination.

(b) *The Heads of the DoD Components* shall:

(1) Consistent with responsibilities promulgated under paragraph (a)(3) of this section, establish procedures within the DoD Component for the submission of waiver applications relating to debts resulting from the DoD Component's activity, which shall be referred to the appropriate official for consideration as set forth in paragraphs (a), (d), (e), or (f) of this section.

(3) Ensure compliance with this part and policies and procedures promulgated under paragraph (a)(3) of this section.

(c) *The Heads of the Non-DoD Components* concerning debts resulting from that Component's activity shall:

(1) If the aggregate amount of the debt is \$1,500 or less, deny or grant all or part of a waiver application pursuant to 10 U.S.C. 2774.

(2) If the aggregate amount of the debt is more than \$1,500:

(i) Deny a waiver application in its entirety; or

(ii) Refer a waiver application for consideration with a recommendation that all or part of the application be granted, in accordance with procedures promulgated under paragraph (a)(3) of this section.

(d) *The Under Secretary of Defense (Comptroller)/Chief Financial Officer* concerning debts (except those described in paragraphs (e) and (f) of this section) resulting from DoD Component activity shall:

(1) If the aggregate amount of the debt is \$1,500 or less, deny or grant all or part of a waiver application pursuant to enclosure 2 of DoD Directive 5118.3.<sup>1</sup>

(2) If the aggregate amount of the debt is more than \$1,500:

(i) Deny a waiver application in its entirety; or

(ii) Refer a waiver application for consideration with a recommendation that all or part of the application be granted, in accordance with procedures promulgated under paragraph (a)(3) of this section.

(e) *The Director, Department of Defense Education Activity*, under the *Under Secretary of Defense for Personnel and Readiness* concerning debts of civilian employees resulting from that Component's activity shall:

(1) If the aggregate amount of the debt is \$1,500 or less, deny or grant all or part of a waiver application pursuant to enclosure 2 of DoD Directive 1342.6.<sup>2</sup>

<sup>1</sup> Available at <http://www.dtic.mil/whs/directives/>

<sup>2</sup> Available at <http://www.dtic.mil/whs/directives/>

(2) If the aggregate amount of the debt is more than \$1,500:

(i) Deny a waiver application in its entirety; or

(ii) Refer a waiver application for consideration with a recommendation that all or part of the application be granted, in accordance with procedures promulgated under paragraph (a)(3) of this section.

(f) *The Director, National Security Agency*, under the *Under Secretary of Defense for Intelligence* concerning debts resulting from that Component's activity shall:

(1) If the aggregate amount of the debt is \$1,500 or less, deny or grant all or part of a waiver application.

(2) If the aggregate amount of the debt is more than \$1,500:

(i) Deny a waiver application in its entirety; or

(ii) Refer a waiver application for consideration with a recommendation that all or part of the application be granted, in accordance with procedures promulgated under paragraph (a)(3) of this section.

September 25, 2006.

**L.M. Bynum,**

*OSD Federal Register Liaison Officer, DoD.*

[FR Doc. E6-16040 Filed 9-28-06; 8:45 am]

**BILLING CODE 5001-06-P**

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2005-0549; FRL-8224-9]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Additional NO<sub>x</sub> Emission Reductions To Support the Philadelphia-Trenton-Wilmington One-Hour Ozone Nonattainment Area, and Remaining NO<sub>x</sub> SIP Call Requirements

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania. These revisions pertain to nitrogen oxides (NO<sub>x</sub>) reductions that are required for the Commonwealth to support its approved attainment demonstration for the Philadelphia-Trenton-Wilmington one-hour ozone nonattainment area (the Philadelphia Area); NO<sub>x</sub> reductions from stationary internal combustion (IC) engines to meet the NO<sub>x</sub> SIP Call Phase II (Phase II); and NO<sub>x</sub> reductions from cement kilns to meet the NO<sub>x</sub> SIP Call. The revisions

also include provisions for emission credits for sources that generate zero-emission renewable energy. The intended effect of this action is to approve these revisions into the Pennsylvania SIP. This action is being taken under the Clean Air Act (CAA or the Act).

*Effective Date:* This final rule is effective on October 30, 2006.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2005-0549. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the electronic docket, some information is not publicly available, i.e., 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 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 Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Powers, (215) 814-2308, or by e-mail at [powers.marilyn@epa.gov](mailto:powers.marilyn@epa.gov).

**SUPPLEMENTARY INFORMATION:**

### I. Background

On July 14, 2006 (71 FR 40048), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. The NPR proposed approval of SIP revisions submitted by the Commonwealth on March 29, 2005, with a supplemental submittal on February 6, 2006.

### II. Summary of SIP Revision

The SIP revisions establish ozone season NO<sub>x</sub> emission limits for certain existing and new boilers, turbines, and stationary internal combustion engines that are small sources of NO<sub>x</sub> located in the Philadelphia portion of the Philadelphia Area. This revision also establishes ozone season NO<sub>x</sub> emission limits for large stationary internal combustion engines and Portland cement kilns throughout the State. Other specific requirements of the SIP revisions and the rationale for EPA's proposed action are explained in the

NPR and will not be restated here. No public comments were received on the NPR.

### III. Final Action

EPA is approving the SIP revisions submitted by the Commonwealth of Pennsylvania on March 29, 2005, with a supplemental submission on February 6, 2006. The revisions support the State's attainment demonstration for the Philadelphia Area SIP and satisfy its remaining obligations under the NO<sub>x</sub> SIP Call.

### 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 (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 approves a state rule implementing a

Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 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 to approve ozone season NO<sub>x</sub> emission limits for small sources of NO<sub>x</sub> in the Philadelphia Area and for large stationary internal combustion engines and Portland cement kilns throughout the State may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: September 20, 2006.  
**Donald S. Welsh,**  
*Regional Administrator, Region III.*

■ 40 CFR part 52 is amended as follows:

**PART 52—[AMENDED]**

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

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

**Subpart NN—Pennsylvania**

■ 2. In § 52.2020, the table in paragraph (c)(1) is amended by revising entries for

Title 25, Chapter 121, Section 1 and Chapter 145, Section 42; and by adding a new heading and entries for Chapter 129, Sections 201 through 205, a new heading and entries for Chapter 145, Sections 111 through 113, and a new heading and entries for Chapter 145, Sections 141 through 143. The amendments read as follows:

**§ 52.2020 Identification of plan.**

*	*	*	*	*
(c)	*	*	*	*
(1)	*	*	*	*

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
<b>Title 25. Environmental Protection</b>				
<b>Article Iii. Air Resources</b>				
*	*	*	*	*
<b>Chapter 121. General Provisions</b>				
Section 121.1 .....	Definitions .....	12/11/04	September 29, 2006. <i>[Insert page number where the document begins].</i>	
*	*	*	*	*
<b>Chapter 129. Standards for Sources</b>				
*	*	*	*	*
<b>Additional NO<sub>x</sub> Requirements</b>				
Section 129.201 .....	Boilers .....	12/11/04	September 29, 2006. <i>[Insert page number where the document begins].</i>	
Section 129.202 .....	Stationary combustion turbines.	12/11/04	September 29, 2006. <i>[Insert page number where the document begins].</i>	
Section 129.203 .....	Stationary internal combustion engines.	12/11/04	September 29, 2006. <i>[Insert page number where the document begins].</i>	
Section 129.204 .....	Emission accountability .....	12/11/04	September 29, 2006. <i>[Insert page number where the document begins].</i>	
Section 129.205 .....	Zero emission renewable energy production credit.	12/11/04	September 29, 2006. <i>[Insert page number where the document begins].</i>	
*	*	*	*	*
<b>Chapter 145. Interstate Pollution Transport Reduction</b>				
<b>Subchapter A.—NO<sub>x</sub> Budget Trading Program</b>				
*	*	*	*	*
<b>NO<sub>x</sub> Allowance Allocations</b>				
*	*	*	*	*
Section 145.42 .....	NO <sub>x</sub> allowance allocations .....	12/11/04	September 29, 2006. <i>[Insert page number where the document begins].</i>	

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
*	*	*	*	*
<b>Subchapter B.—Emissions of NO<sub>x</sub> From Stationary Internal Combustion Engines</b>				
Section 145.111	Applicability	12/11/04	September 29, 2006. <i>[Insert page number where the document begins].</i>	New Section.
Section 145.112	Definitions	12/11/04	September 29, 2006. <i>[Insert page number where the document begins].</i>	New Section.
Section 145.113	Standard Requirements	12/11/04	September 29, 2006. <i>[Insert page number where the document begins].</i>	New Section.
<b>Subchapter C.—Emissions of NO<sub>x</sub> From Cement Manufacturing</b>				
Section 145.141	Applicability	12/11/04	September 29, 2006. <i>[Insert page number where the document begins].</i>	New Section.
Section 145.142	Definitions	12/11/04	September 29, 2006. <i>[Insert page number where the document begins].</i>	New Section.
Section 145.143	Standard requirements	12/11/04	September 29, 2006. <i>[Insert page number where the document begins].</i>	New Section.
*	*	*	*	*

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[FR Doc. E6-15988 Filed 9-28-06; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[EPA-HQ-OPP-2005-0543; FRL-8092-3]

**Flufenoxuron; Pesticide Tolerance**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for residues of flufenoxuron in or on apple, grape, pear, orange, and livestock commodities. BASF Corporation requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

**DATES:** This regulation is effective September 29, 2006. Objections and requests for hearings must be received on or before November 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-2005-0543. 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 Docket telephone number is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** Mark Suarez, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-0120; e-mail address: [suarez.mark@epa.gov](mailto:suarez.mark@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), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
- Animal production (NAICS 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
- Food manufacturing (NAICS 311), e.g., agricultural workers; farmers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.
- Pesticide manufacturing (NAICS 32532), e.g., agricultural workers; commercial applicators; farmers; greenhouse, nursery, and floriculture workers; residential users.

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 assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How Can I Access Electronic Copies of this Document?*

In addition to accessing an electronic copy of this **Federal Register** document