

## EPA.—APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
Section 115.249 .....	Counties and Compliance Schedules .....	11/6/02 .....	3/29/05 [Insert FR page number where document begins].	
*	*	*	*	*
<b>Subchapter E: Solvent-Using Processes</b>				
<b>Division 1: Degreasing Processes</b>				
Section 115.412 .....	Control Requirements .....	11/17/04 .....	3/29/05 [Insert FR page number where document begins].	
Section 115.413 .....	Alternate Control Requirements .....	11/17/04 .....	3/29/05 [Insert FR page number where document begins].	
Section 115.415 .....	Testing Requirements .....	11/17/04 .....	3/29/05 [Insert FR page number where document begins].	
Section 115.416 .....	Recordkeeping Requirements .....	11/17/04 .....	3/29/05 [Insert FR page number where document begins].	
Section 115.417 .....	Exemptions .....	11/17/04 .....	3/29/05 [Insert FR page number where document begins].	
Section 115.419 .....	Counties and Compliance Schedules .....	11/17/04 .....	3/29/05 [Insert FR page number where document begins].	
*	*	*	*	*
<b>Subchapter F: Miscellaneous Industrial Sources</b>				
<b>Division 1: Cutback Asphalt</b>				
Section 115.512 .....	Control Requirements .....	11/17/04 .....	3/29/05 [Insert FR page number where document begins].	
Section 115.516 .....	Recordkeeping Requirements .....	11/17/04 .....	3/29/05 [Insert FR page number where document begins].	
Section 115.517 .....	Exemptions .....	11/17/04 .....	3/29/05 [Insert FR page number where document begins].	
Section 115.519 .....	Counties and Compliance Schedules .....	11/17/04 .....	3/29/05 [Insert FR page number where document begins].	
*	*	*	*	*

[FR Doc. 05-6196 Filed 3-28-05; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[R03-OAR-2005-PA-0009; FRL-7890-9]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC RACT Determinations for Eleven Individual Sources****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revisions were submitted by the

Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for eleven major sources of volatile organic compounds (VOC). These sources are located in Pennsylvania. EPA is approving these revisions to establish RACT requirements in the SIP in accordance with the Clean Air Act (CAA).

**DATES:** This rule is effective on May 31, 2005, without further notice, unless EPA receives adverse written comment by April 28, 2005. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Regional Material in EDocket (RME) ID Number R03-OAR-

2005-PA-0009 by one of the following methods:

A. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

B. Agency Web site: <http://www.docket.epa.gov/rmepub/> RME, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

C. E-mail: [morris.makeba@epa.gov](mailto:morris.makeba@epa.gov).

D. Mail: R03-OAR-2005-PA-0009, Makeba Morris, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

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

special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to RME ID No. R03-OAR-2005-PA-0009. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at <http://www.docket.epa.gov/rmepub/>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through RME, regulations.gov or e-mail. The EPA RME and the Federal regulations.gov Web sites are an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through RME or regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the electronic docket are listed in the RME index at <http://www.docket.epa.gov/rmepub/>. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

Publicly available docket materials are available either electronically in RME or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Pauline De Vose, (215) 814-2186, or by e-mail at [devose.pauline@epa.gov](mailto:devose.pauline@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Pursuant to sections 182(b)(2) and 182(f) of the CAA, the Commonwealth of Pennsylvania (the Commonwealth or Pennsylvania) is required to establish and implement RACT for all major VOC and NO<sub>x</sub> sources. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR). Under section 184 of the CAA, RACT as specified in sections 182(b)(2) and 182(f) applies throughout the OTR. The entire Commonwealth is located within the OTR. Therefore, RACT is applicable statewide in Pennsylvania.

State implementation plan revisions imposing RACT for three classes of VOC sources are required under section 182(b)(2). The categories are:

(1) All sources covered by a Control Technique Guideline (CTG) document issued between November 15, 1990 and the date of attainment;

(2) All sources covered by a CTG issued prior to November 15, 1990; and

(3) All major non-CTG sources.

The Pennsylvania SIP already has approved RACT regulations and requirements for all sources and source categories covered by the CTGs. The Pennsylvania SIP also has approved regulations to require major sources of NO<sub>x</sub> and additional major sources of VOC emissions (not covered by a CTG) to implement RACT. These regulations

are commonly termed the "generic RACT regulations". A generic RACT regulation is one that does not, itself, specifically define RACT for a source or source categories but instead establishes procedures for imposing case-by-case RACT determinations. The Commonwealth's SIP-approved generic RACT regulations consist of the procedures PADEP uses to establish and impose RACT for subject sources of VOC and NO<sub>x</sub>. Pursuant to the SIP-approved generic RACT rules, PADEP imposes RACT on each subject source in an enforceable document, usually a Plan Approval (PA) or Operating Permit (OP). The Commonwealth then submits these PAs and OPs to EPA for approval as source-specific SIP revisions.

On August 30, 2004, PADEP submitted revisions to the Pennsylvania SIP which establish and impose RACT for eleven sources of VOC and NO<sub>x</sub>. The Commonwealth's submittals consist of PAs and OPs which impose VOC and NO<sub>x</sub> RACT requirements for each source.

**II. Summary of the SIP Revisions**

Copies of the actual PAs and OPs imposing RACT and PADEP's evaluation memoranda are included in the electronic and hard copy docket for this final rule. As previously stated, all documents in the electronic docket are listed in the RME index at <http://www.docket.epa.gov/rmepub/>. Publicly available docket materials are available either electronically in RME or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105. The table below identifies the sources and the individual plan approvals (PAs) and operating permits (OPs) which are the subject of this rulemaking.

**PENNSYLVANIA—VOC RACT DETERMINATIONS FOR INDIVIDUAL SOURCES**

Source	County	Plan approval (PA No.) Operating Permit (OP No.)	Source Type	"Major source" pollutant
Information Display Technology, Inc .....	Indiana .....	32-000-085	Visual Display Material Fabrication .....	VOC.
Bedford Materials Co., Inc .....	Bedford .....	05-02005	Electrical Insulating Production Facility .....	VOC.
Bollman Hat Company .....	Lancaster .....	36-2031	Hat Manufacturing .....	VOC.
Armco Inc .....	Mercer .....	OP 43-040	Steel Pipe Manufacturing .....	VOC.
Specialty Tires of America, Inc .....	Indiana .....	32-000-065	Tire Manufacturing .....	VOC.
Truck Accessories Group East .....	Northumberland .....	OP-49-0005	Fiberglass/Plastics Manufacturing .....	VOC.
Jeraco Enterprises, Inc .....	Northumberland .....	OP-49-0014	Fiberglass/Plastics Manufacturing .....	VOC.

## PENNSYLVANIA—VOC RACT DETERMINATIONS FOR INDIVIDUAL SOURCES—Continued

Source	County	Plan approval (PA No.) Operating Permit (OP No.)	Source Type	"Major source" pollutant
Insulation Corporation of America .....	Lehigh .....	39-0012	Expanded Polystyrene Manufacturing Plant	VOC.
Pope & Talbot, Inc. ....	Luzerne .....	40-0019	Flexographic Painting Process .....	VOC.
Universal Rundle Corporation .....	Lawrence .....	OP 37-059	Spray-up Fiberglass Operation .....	VOC.
Clark Filter .....	Lancaster .....	36-02040	Paper Filter Manufacturing .....	VOC.

EPA is approving these RACT SIP submittals because PADEP established and imposed these RACT requirements in accordance with the criteria set forth in its SIP-approved generic RACT regulations applicable to these sources. The Commonwealth has also imposed record-keeping, monitoring, and testing requirements on these sources sufficient to determine compliance with the applicable RACT determinations.

### III. Final Action

EPA is approving the revisions to the Pennsylvania SIP submitted by PADEP to establish and require VOC RACT for eleven major sources. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on May 31, 2005 without further notice unless EPA receives adverse comment by April 28, 2005. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

### IV. Statutory and Executive Order Reviews

#### A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the

Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal 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. 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. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability establishing source-specific requirements for 11 named sources.

#### 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 May 31, 2005. Filing a petition for reconsideration by the Administrator of this final rule approving source-specific RACT requirements for eleven major sources in the Commonwealth of Pennsylvania 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 52

Environmental protection, Air pollution control, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 18, 2005.

**James Newson,**

*Acting 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 Section 52.2020, the table in paragraph (d)(1) is amended by adding the entry/entries for Information Display Technology, Inc., Bedford Materials Co., Inc., Bollman Hat Company, Armco Inc., Specialty Tires of America, Inc., Truck Accessories Group East, Jeraco Enterprises, Inc., Insulation Corporation of America, Pope & Talbot, Inc., Universal Rundle Corporation, and Clark Filter at the end of the table to read as follows:

#### § 52.2020 Identification of plan.

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

Name of source	Permit No.	County	State effective date	EPA approval date	Additional explanation/§ 52.2063 citation
* * *	*	*	*	*	*
Information Display Technology, Inc .....	32-000-085	Indiana .....	1/11/96	3/29/05, [Insert page number where the document begins].	52.2020(d)(1)(h).
Bedford Materials Co., Inc .....	05-02005	Bedford .....	4/15/99	3/29/05, [Insert page number where the document begins].	52.2020(d)(1)(h).
Bollman Hat Company .....	36-2031	Lancaster .....	7/3/95	3/29/05, [Insert page number where the document begins].	52.2020(d)(1)(h).
Armco Inc .....	OP 43-040	Mercer .....	9/30/99	3/29/05, [Insert page number where the document begins].	52.2020(d)(1)(h).
Specialty Tires of America, Inc .....	32-000-065	Indiana .....	1/6/00	3/29/05, [Insert page number where the document begins].	52.2020(d)(1)(h).
Truck Accessories Group East .....	OP-49-0005	Northumberland .....	3/26/99	3/29/05, [Insert page number where the document begins].	52.2020(d)(1)(h).
Jeraco Enterprises, Inc .....	OP-49-0014	Northumberland .....	4/6/97	3/29/05, [Insert page number where the document begins].	52.2020(d)(1)(h).
Insulation Corporation of America .....	39-0012	Lehigh .....	10/17/95	3/29/05, [Insert page number where the document begins].	52.2020(d)(1)(h).
Pope & Talbot, Inc .....	40-0019	Luzerne .....	5/31/96	3/29/05, [Insert page number where the document begins].	52.2020(d)(1)(h).
Universal Rundle Corporation .....	OP 37-059	Lawrence .....	5/31/95	3/29/05, [Insert page number where the document begins].	52.2020(d)(1)(h).
Clark Filter .....	36-02040	Lancaster .....	2/4/00	3/29/05, [Insert page number where the document begins].	52.2020(d)(1)(h).

\* \* \* \* \*

[FR Doc. 05-6199 Filed 3-28-05; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF THE INTERIOR****Bureau of Reclamation****43 CFR Part 423****RIN 1006-AA49****Public Conduct on Reclamation Lands and Projects; Extension of Expiration Date****AGENCY:** Bureau of Reclamation, Interior.**ACTION:** Final rule.

**SUMMARY:** In 2002 the Bureau of Reclamation published a final rule governing public conduct on Bureau of Reclamation Lands (the 2002 rule). The 2002 rule will expire on April 17, 2005. We are developing a new rule to replace the 2002 rule, but the new rule will not be finalized by April 17. This rule extends the effective date of the 2002 rule to allow us time to develop and publish the new rule.

**DATES:** The extension of the expiration date of 43 CFR part 423, Public Conduct on Bureau of Reclamation Lands and Projects, from April 17, 2005, to April 17, 2006, is effective on March 29, 2005.

**ADDRESSES:** Address any questions concerning this rule to Larry Todd, Director, Security, Safety, and Law Enforcement, Bureau of Reclamation, 6th and Kipling, Building 67, P.O. Box 25007, Denver, Co. 80225.

**FOR FURTHER INFORMATION CONTACT:** Gary Anderson, (303) 445-2891.

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

On September 11, 2001, terrorists launched attacks on targets within the United States. Following the terrorist attacks, on November 12, 2001, Congress enacted Public Law 107-69 (now codified at 43 U.S.C. 373b and 373c), to provide law enforcement authority within Reclamation projects and on Reclamation lands. Section 1(a) of Public Law 107-69 requires Reclamation to "issue regulations necessary to maintain law and order and protect persons and property within Reclamation projects and on Reclamation lands." Pursuant to that statutory requirement, Reclamation issued a final rule, 43 CFR Part 423, Public Conduct on Reclamation Lands and Projects, on April 17, 2002 (now

codified at 43 CFR 423.1-10). That rule's preamble set the rule to expire on April 17, 2003, based on Reclamation's intent to develop a more comprehensive public conduct rule by that date. On April 3, 2003, Reclamation extended that expiration date to April 17, 2005.

A more comprehensive rule is currently under development, but additional time is needed to complete that rulemaking. In order to avoid a time period during which no rule is in place addressing public conduct on our lands and facilities, Reclamation has decided to extend the expiration date of the existing rule from April 17, 2005, to April 17, 2006.

**II. Procedural Requirements***A. Determination To Issue Final Rule Without Notice and Comment*

The Administrative Procedure Act (APA) generally requires agencies to provide advance notice and an opportunity to comment on agency rulemakings. However, the APA allows an agency to promulgate rules without notice and comment when an agency, for good cause, finds that notice and public comment are "impracticable, unnecessary, or contrary to the public interest." (5 U.S.C. 553(b)(3)(B)). To the extent that 5 U.S.C. 553 applies to the rule, good cause exists to exempt this rulemaking from advance notice and comment.

Allowing a period for advance notice could result in the expiration of the existing rule before this rule, which extends the expiration date, goes into effect. A period without a rule in place addressing public conduct on Reclamation lands and projects would result in a serious disruption in the protection of Reclamation facilities and property, with accompanying confusion to employees and the public. Such disruption and confusion would be contrary to public and national security interests.

We expect to issue a comprehensive rule that would supersede the existing rule in the near future. Establishing a public comment period for the extension of the existing rule's expiration date is likely to create significant public confusion in that such a comment period might closely coincide with the comment period on the proposed comprehensive rule.

Finally, the existing rule which was issued on April 17, 2002, generated virtually no public reaction. Despite our request for comments on the rule, we received only one nonsubstantive comment. Therefore, it is not reasonable to expect that mere extension of the

rule's expiration date would result in substantive comments from the public.

For the foregoing reasons, we conclude it is impracticable, unnecessary, and contrary to the public interest to request public comment on this rule.

*B. Determination To Make Rule Effective Immediately*

A period without a rule in place addressing public conduct on Reclamation lands and projects would result in a serious disruption in the protection of Reclamation facilities and property, with accompanying confusion to employees and the public. This disruption and confusion would be contrary to public and national security interests. For these reasons, the Bureau of Reclamation has determined it appropriate to waive the requirement of publication 30 days in advance of the effective date. As allowed by 5 U.S.C. 553(d)(3), this rule is effective immediately because it is in the public interest not to delay implementation of this amendment.

*C. Review Under Procedural Statutes and Executive Orders*

We have reviewed this final rule under the following statutes and executive orders governing rulemaking procedures: The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.*; the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*; the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801 *et seq.*; the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*; the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*; Executive Order 12630 (Takings); Executive Order 12866 (Regulatory Planning and Review); Executive Order 12988 (Civil Justice Reform); Executive Order 13132 (Federalism); Executive Order 13175 (Tribal Consultation); and Executive Order 13211 (Energy Impacts). We have determined that this rule does not trigger any of the procedural requirements of those statutes and executive orders because it merely extends the expiration date of the existing rule.

**List of Subjects in 43 CFR Part 423**

Law enforcement, Penalties, Public lands.

For the reasons set forth in the preamble, the Bureau of Reclamation extends the expiration date of 43 CFR part 423 from April 17, 2005, to April 17, 2006.