

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

Dated: April 19, 2006.

**William Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. E6-6366 Filed 4-26-06; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2006-0296; FRL-8162-6]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; NO<sub>x</sub> and VOC RACT Determinations for Eight Individual Sources

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve revisions to the Pennsylvania 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 seven sources of volatile organic compounds (VOC) and one source of nitrogen oxides (NO<sub>x</sub>) pursuant to the Commonwealth of Pennsylvania's (Pennsylvania or the Commonwealth) SIP-approved generic RACT regulations. EPA is proposing to approve these revisions in accordance with the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before May 30, 2006.

**ADDRESSES:** Submit your comments, identified by Regional Material in EDocket (RME) ID Number EPA-R03-OAR-2006-0296 by one of the following methods:

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

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

C. Mail: EPA-R03-OAR-2006-0296, Makeba Morris, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to RME ID No. EPA-R03-OAR-2006-0296. 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.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** LaKeshia N. Robertson, (215) 814-2113, or by e-mail at [robertson.lakeshia@epa.gov](mailto:robertson.lakeshia@epa.gov).

**SUPPLEMENTARY INFORMATION:** On March 27, 1995, August 1, 1995, January 10, 1996, March 21, 1996, October 18, 1996,

June 22, 1999, and July 28, 1999, PADEP submitted revisions to the Pennsylvania SIP. These SIP revisions consist of source-specific operating permits and/or plan approvals issued by PADEP to establish and require RACT for eight sources pursuant to Pennsylvania's SIP-approved generic RACT regulations.

### I. Background

Pursuant to sections 182(b)(2) and 182(f) of CAA, 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. EPA reviews these SIP revisions to ensure that the Pennsylvania DEP has determined and imposed RACT in accordance with the provisions of the SIP-approved generic RACT rules.

It must be noted that the Commonwealth has adopted and is implementing additional "post RACT requirements" to reduce seasonal NO<sub>x</sub> emissions in the form of a NO<sub>x</sub> cap and trade regulation, 25 Pa Code Chapters 121 and 123, based upon a model rule developed by the States in the OTR. That regulation was approved as SIP

revision on June 6, 2000 (65 FR 35842). Pennsylvania has also adopted 25 Pa Code Chapter 145 to satisfy Phase I of the NO<sub>x</sub> SIP call. That regulation was approved as a SIP revision on August 21, 2001 (66 FR 43795). Federal approval of a source-specific RACT determination for a major source of NO<sub>x</sub> in no way relieves that source from any

applicable requirements found in 25 Pa Code Chapters 121, 123 and 145.

## II. Summary of the SIP Revisions

The following table identifies the sources and the individual plan approvals (PAs) and operating permits (OPs) which are the subject of this rulemaking.

PENNSYLVANIA—VOC AND NO<sub>x</sub> RACT DETERMINATIONS FOR INDIVIDUAL SOURCES

Source's name	County	Plan Approval (PA #) Operating Permit (OP #)	Source type	"Major Source" pollutant
Carlisle Tire & Rubber Company .....	Cumberland .....	21-2003	Specialty Tire Manufacturing .....	VOC.
The Carbide/Graphite Group, Inc .....	Elk .....	OP 24-012	Graphite Electrode and Graphite Specialities Manufacturing Facility.	VOC.
Celotex Corporation .....	Northumberland .....	OP-49-0013	Fiberboard Manufacturing Facility .....	VOC.
American Railcar Industries, Inc. Shippers Car Line Division.	Northumberland .....	OP-49-0012	Railcar Cleaning and Refurbishment Operation.	VOC.
ACF .....	Northumberland .....	OP-49-0009	Railcar Manufacturing Operation .....	VOC.
New Holland North America, Inc .....	Lancaster .....	36-2028	Surface Coating Operation .....	VOC.
Allsteel, Inc .....	Luzerne .....	40-001-5	Metal Furniture Coatings .....	VOC.
Ball-Foster Glass Container Co .....	McKean .....	OP 42-028	Glass Melting Furnaces .....	NO <sub>x</sub> .

Interested parties are advised that copies of Pennsylvania's SIP submittals for these sources, including the actual PAs and OPs imposing RACT, PADEP's evaluation memoranda and the sources' RACT proposals (referenced in PADEP's evaluation memoranda) are included and may be viewed in their entirety in both the electronic and hard copy versions of the docket for this final rule. As previously stated, all documents in the electronic docket are listed in the <http://www.regulations.gov> index. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

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. In accordance with its SIP-approved generic RACT rule, the Commonwealth has also imposed record-keeping, monitoring, and testing requirements on these sources sufficient to determine compliance with the applicable RACT determinations.

## III. Proposed Action

EPA is approving the revisions to the Pennsylvania SIP submitted by PADEP on March 27, 1995, August 1, 1995, January 10, 1996, March 21, 1996, October 18, 1996, June 22, 1999, and July 28, 1999, to establish and require VOC and NO<sub>x</sub> RACT for eight individual sources pursuant to the Commonwealth's SIP-approved generic RACT regulations. EPA is soliciting public comments on this proposed rule to approve these source-specific RACT determinations established and imposed by PADEP in accordance with the criteria set forth in its SIP-approved generic RACT regulations applicable to these sources. These comments will be considered before taking final action.

## IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed 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 proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed 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 proposes to approve 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 proposed rule also does 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), nor will it 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), because it merely proposes to approve 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 proposed rule also is not subject to Executive Order 13045 (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. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This proposed rule to approve eight source-specific RACT determinations established and imposed by the Commonwealth of Pennsylvania pursuant to its SIP-approved generic RACT regulations does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

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

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

Dated: April 19, 2006.

**William C. Early,**

*Acting Regional Administrator, Region III.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Parts 2800 and 2880

[WO-350-06-1430-PP]

RIN 1004-AD87

#### Update of Linear Right-of-Way Rental Schedule

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Bureau of Land Management (BLM) requests comments and suggestions to assist in the writing of a proposed rule to update the linear right-of-way rental schedule in 43 CFR parts 2800 and 2880. The rental schedule covers most linear rights-of-way granted under section 28 of the Mineral Leasing Act of 1920, as amended (MLA), and Title V of the Federal Land Policy and Management Act of 1976, as amended (FLPMA). Both laws require the holder of a right-of-way to pay annually, in advance, the fair market value to occupy, use, or traverse public lands for facilities such as power lines, fiber optic lines, pipelines, roads, and ditches.

Section 367 of the Energy Policy Act of 2005 (the Act) directs the Secretary of the Interior to update the per-acre rental fee schedule found in 43 CFR 2806.20. This update is to be completed not later than one year after the date of enactment of the Act, which occurred on August 8, 2005. The Act requires that the BLM revise the per-acre rental fee-zone value schedule by state, county, and type of linear right-of-way use to reflect current land values in each zone. The Act also requires the Secretary of Agriculture (Forest Service) to make the same revisions for rights-of-way on National Forest System lands. We encourage members of the public to provide comments and suggestions to help with updating the BLM's and the Forest Service's rental schedule, as described in the Act.

**DATES:** We will accept comments and suggestions on the Advance Notice of Proposed Rulemaking until May 30, 2006.

**ADDRESSES:** You may submit comments by any of the following methods listed below.

**Mail:** Director (630) Bureau of Land Management, Administrative Record, Room 401 LS, Eastern States Office, 7450 Boston Boulevard, Springfield, Virginia 22153.

**Personal or messenger delivery:** Room 401, 1620 L Street, NW., Washington, DC 20036.

**Federal eRulemaking Portal:** <http://www.regulations.gov>.

**E-mail:** [comments\\_washington@blm.gov](mailto:comments_washington@blm.gov). (Include "Attn: AD87").

**FOR FURTHER INFORMATION CONTACT:** For information on the substance of the Advance Notice, please contact Christian Crowley at (202) 208-3799. For information on procedural matters, please contact Ian Senio at (202) 452-

5049. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, to contact the above individuals during business hours. FIRS is available twenty-four hours a day, seven days a week.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Comment Procedures

##### *Commenting on the Advance Notice of Proposed Rulemaking*

Written comments or suggestions should:

- Be specific;
- Explain the reasoning behind your comments and suggestions;
- Address the issues outlined in the Notice; and
- Where possible, reference the specific section or paragraph of existing laws or regulations that you are addressing.

For comments and recommendations to be most useful, and most likely to influence decisions on the content of the proposed rule, they should:

- Be substantive;
- Facilitate development of a uniform, cost effective administrative process for calculating rental payments;
- Result in a fair and reasonable payment of fair market rent; and
- Include citations to, and analyses of, applicable laws and regulations.

The BLM is particularly interested in receiving comments and suggestions about the topics listed in Section III of this Notice. All communication on these topics should refer to RIN 1004-AD87, and may be submitted by several methods listed under the **ADDRESSES** section of this Notice.

Comments received after the close of the comment period (see **DATES**) need not be considered or included in the Administrative Record for the proposed rule. Likewise, comments delivered to an address other than those listed above (see **ADDRESSES**) need not be considered or included in the Administrative Record for the proposed rule.

##### *Reviewing Comments Submitted by Others*

Comments, including names and street addresses of respondents, will be available for public review at the address listed under "**ADDRESSES: Personal or messenger delivery**" during regular business hours (7:45 a.m. to 4:15 a.m.), Monday through Friday, except holidays. Individual respondents may request confidentiality, which will be honored to the extent allowable by law. Those wishing to withhold their name or address (except for the city or town)