

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
Appendix A	Acceleration Simulation Mode: Pennsylvania Procedures, Standards, Equipment Specifications and Quality Control Requirements.	11/22/03	10/6/05 [Insert page number where the document begins]	Replaces previous Appendix A.
Appendix B	Department Procedures and Specifications.	11/22/03	10/6/05 [Insert page number where the document begins]	Replaces previous Appendix B.

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[FR Doc. 05-20003 Filed 10-5-05; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[TN-200507; FRL-7972-5]

Approval and Promulgation of Air Quality Implementation Plans; Nashville-Davidson County; Revised Format for Materials Being Incorporated by Reference**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule; notice of administrative change.

SUMMARY: EPA is revising the format of part 52 of Title 40 of the Code of Federal Regulations (40 CFR part 52) for materials submitted by Nashville-Davidson County that are incorporated by reference (IBR) into the State Implementation Plan (SIP). The regulations affected by this format change have all been previously submitted by the local agency and approved by EPA.

This format revision will affect the "Identification of Plan" sections of 40 CFR part 52, by adding a table for the Nashville-Davidson portion of the Tennessee SIP. This revision will also affect the format of the SIP materials that will be available for public inspection at the Office of the Federal Register (OFR), the Air and Radiation Docket and Information Center, and the Regional Office.

DATES: This action is effective October 6, 2005.**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: EPA, Region 4, 61 Forsyth Street, SW., Atlanta, GA 30303; the EPA, Air and Radiation Docket and Information Center, Air Docket (Mail Code 6102T), 1200 Pennsylvania Avenue, NW.,

Washington, DC 20460, and 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.

FOR FURTHER INFORMATION CONTACT: Ms. Stacy DiFrank at the above Region 4 address or at (404) 562-9042. Email: difrank.stacy@epa.gov.**SUPPLEMENTARY INFORMATION:** Each state has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the SIP to EPA. Once these control measures and strategies are approved by EPA, after notice and comment, they are incorporated into the federally approved SIP and are identified in 40 CFR part 52 "Approval and Promulgation of Implementation Plans." The full text of the state regulation approved by EPA is not reproduced in its entirety in 40 CFR part 52, but is "incorporated by reference." This means that EPA has approved a given state regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in a given SIP. The information provided allows EPA and the public to monitor the extent to which a state implements a SIP to attain and maintain the NAAQS and to take enforcement action if necessary.

The SIP is a living document which the state can revise as necessary to address the unique air pollution problems in the state. 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 IBR into the Code of Federal Regulations, materials submitted by states in their EPA-approved SIP revisions. These changes revised the format for the identification of the SIP in 40 CFR part 52, streamlined the mechanisms for announcing EPA approval of revisions to a SIP, and streamlined the mechanisms for EPA's updating of the IBR information contained for each SIP in 40 CFR part 52. Pursuant to these revised procedures, EPA is revising the format for the identification of the Nashville-Davidson County portion of the Tennessee SIP, appearing in 40 CFR part 52. EPA has previously revised the format for the identification of the Tennessee SIP and the Memphis Shelby County, Knox County and Chattanooga portions of the SIP.

EPA has determined that today's action falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation, and APA section 553(d)(3) which allows an agency to make an action effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs. 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 for this administrative action is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice of this action in the **Federal Register** benefits the public by providing the public notice of the Nashville-Davidson County portion of the Tennessee SIP in Tennessee's "Identification of Plan" portion of the **Federal Register**.

Statutory and Executive Order Reviews

A. General Requirement

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this administrative action is not a “significant regulatory action” and is therefore not subject to review by the Office of Management and Budget. This action is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866. Because the Agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the APA or any other statute as indicated in the Supplementary Information section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This administrative action 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). This administrative action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. This administrative action does not involve technical standards; 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 administrative action also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). This administrative action does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA’s compliance with these Statutes and Executive Orders for the underlying

rules are discussed in previous actions taken on Nashville-Davidson County, Tennessee’s rules.

B. Submission to Congress and the Comptroller General

The Congressional Review Act (CRA) (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 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. Today’s administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs. 5 U.S.C. 808(2). These announced actions were effective when EPA approved them through previous rulemaking actions. EPA will submit a report containing this action 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 this action in the **Federal Register**. This revision to Nashville-Davidson’s portion of the Tennessee SIP in the “Identification of Plan” section of 40 CFR part 52 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. This action is simply an announcement of prior rulemakings that have previously undergone notice-and-comment rulemaking. Prior EPA rulemaking actions for each individual component of the Nashville-Davidson portion of the Tennessee SIP 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.

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: September 8, 2005.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

■ 40 CFR part 52 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 RR—Tennessee

■ 2. Section 52.2220 is amended by:
 ■ A. Revising paragraph (b), and
 ■ B. Adding table 5 in paragraph (c) for Nashville-Davidson County, “EPA Approved Nashville-Davidson County Regulations” to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(b) Incorporation by reference.

(1) Material listed in paragraph (c) of this section with an EPA approval date prior to December 1, 1998, for Tennessee (Table 1, the Tennessee State Implementation Plan), January 1, 2003 for Memphis Shelby County (Table 2, the Memphis Shelby County portion of the Tennessee State Implementation Plan), March 1, 2005, for Knox County (Table 3, the Knox County portion of the Tennessee State Implementation Plan), April 1, 2005 for Chattanooga, Tennessee (Table 4, the Chattanooga portion of the Tennessee State Implementation Plan), April 1, 2005, for Nashville-Davidson County (Table 5, the Nashville-Davidson County portion of the Tennessee State Implementation Plan) and paragraph (d) of this section with an EPA approval date prior to December 1, 1998, 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 paragraph (c) of this section with EPA approval dates after December 1, 1998, for Tennessee (Table 1, the Tennessee State Implementation Plan), January 1, 2003 for Memphis Shelby County (Table 2, the Memphis Shelby County portion of the Tennessee State Implementation Plan), March 1, 2005, for Knox County (Table 3, the Knox County portion of the Tennessee State Implementation Plan), April 1, 2005 for Chattanooga (Table 4, the Chattanooga portion of the Tennessee State Implementation Plan), April 1, 2005, for Nashville-Davidson County (Table 5, the Nashville-Davidson County portion of

the Tennessee State Implementation Plan) and paragraph (d) of this section with an EPA approval date prior to December 1, 1998, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 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 the dates referenced in paragraph (b)(1).

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the EPA, Air and Radiation Docket and Information Center, Air Docket (Mail Code 6102T), 1200

Pennsylvania Avenue, NW., Washington, DC 20460 and 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.

TABLE 5.—EPA APPROVED NASHVILLE-DAVIDSON COUNTY, REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
Chapter 10.56. Air Pollution Control				
Section 10.56.010	Definitions	03/12/97	12/31/98, 63 FR 72195	
Article I. Administration and Enforcement				
Section 10.56.020 +	Construction Permits	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.040	Operating Permit	12/14/95	05/30/97, 62 FR 29301	
Section 10.56.050	Exemptions	12/14/95	05/30/97, 62 FR 29301	
Section 10.56.060	Transferability of Permit	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.070	Suspension or Revocation of Permit	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.080	Permit and Annual Emission Fees	03/12/97	12/31/98, 63 FR 72195	
Section 10.56.090	Board—Powers and Duties	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.100	Board—Consideration of Facts and Circumstances.	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.110	Rules and Regulations—Hearings Procedure	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.120	Complaint Notice—Hearings Procedure	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.130	Variations—Hearings Procedure	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.140	Emergency Measures—Hearings Procedure	10/06/94	09/06/96, 61 FR 47057	
Article II. Standards for Operation				
Section 10.56.160	Ambient Air Quality Standards	03/12/97	12/31/98, 63 FR 72195	
Section 10.56.170	Emission of Gases, Vapors or Objectionable Odors.	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.180	Laundry Operations—Dryer and Vent Pipe Requirements.	10/06/94	09/06/96, 61 FR 47057.	
Section 10.56.190	Controlling Wind-Borne Materials	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.200	Sale, Use or Consumption of Solid and Liquid Fuels.	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.220	Fuel-Burning Equipment	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.230	Incinerators	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.240	Internal Combustion Engines	12/14/95	05/30/97, 62 FR 29301	
Section 10.56.250	Open Burning	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.260	Process Emissions	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.270	Visible Emissions	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.280	Start-ups, Shutdowns and Malfunctions	03/12/97	12/31/98, 63 FR 72195	
Section 10.56.290	Measurement and Reporting of Emissions	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.300	Testing Procedures	10/06/94	09/06/96, 61 FR 47057	
Section 10.56.310	Severability	10/06/94	09/06/96, 61 FR 47057	
Regulation No. 1	Prevention, Abatement and Control of Air Control Contaminants from Open Burning.	06/28/79	08/13/80, 45 FR 53810.	
Regulation No. 2	Prevention, Abatement and Control of Air Contaminants from Materials Subject to Becoming Windborne.	06/28/79	08/13/80, 45 FR 53810.	
Regulation No. 3	New Source Review.			
Section 3-1	Definitions	11/13/96	06/17/97, 62 FR 32688.	
Section 3-2	Registration and Permits	11/13/96	06/17/97, 62 FR 32688.	
Section 3-3	Prevention of Significant Deterioration (PSD) Review.	11/13/96	06/17/97, 62 FR 32688.	
Regulation No. 6	Emission Monitoring of Stationary Sources.			
Section 6.1	Definitions	05/22/77	03/22/78, 43 FR 11819.	
Section 6.2	Monitoring of Emissions	05/22/77	03/22/78, 43 FR 11819.	
Section 6.3	Equipment Specifications	05/22/77	03/22/78, 43 FR 11819.	
Section 6.4	Monitoring System Malfunction	05/22/77	03/22/78, 43 FR 11819.	
Section 6.5	Recording and Reporting	05/22/77	03/22/78, 43 FR 11819.	
Section 6.6	Data Reduction	05/22/77	03/22/78, 43 FR 11819.	
Regulation No. 7	Regulation for Control of Volatile Organic Compounds.			

TABLE 5.—EPA APPROVED NASHVILLE-DAVIDSON COUNTY, REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section 7-1	Definitions	11/13/96	06/17/97, 62 FR 32688.	
Section 7-2	General Provisions and Applicability	11/13/96	06/17/97, 62 FR 32688.	
Section 7-3	Petition for Alternative Controls	12/10/91	06/26/92, 57 FR 28625.	
Section 7-4	Compliance Certification, Recordkeeping and Reporting Requirements.	11/13/96	06/17/97, 62 FR 32688.	
Section 7-5	Emission Standards for Coil Coating	11/13/96	06/17/97, 62 FR 32688.	
Section 7-6	Emission Standards for Paper Coating	11/13/96	06/17/97, 62 FR 32688.	
Section 7-7	Emission Standards for Fabric and Vinyl Coating	11/13/96	06/17/97, 62 FR 32688.	
Section 7-8	Emission Standards for Metal Furniture Coating	11/13/96	06/17/97, 62 FR 32688.	
Section 7-9	Emission Standards for Surface Coating of Large Appliances.	11/13/96	06/17/97, 62 FR 32688.	
Section 7-10	Petroleum Liquid Storage	11/13/96	06/17/97, 62 FR 32688.	
Section 7-11	Bulk Gasoline Plants	12/10/91	06/26/92, 57 FR 28265.	
Section 7-12	Bulk Gasoline Terminals	12/10/91	06/26/92, 57 FR 28265.	
Section 7-13	Gasoline Dispensing Facility, Stage 1	12/10/91	06/26/92, 57 FR 28265.	
Section 7-14	Solvent Metal Cleaning	12/10/91	06/26/92, 57 FR 28265.	
Section 7-15	Prohibition of Cutback Asphalt	12/10/91	06/26/92, 57 FR 28265.	
Section 7-16	Emission Standards for Surface Coating of Miscellaneous Metal Parts and Products.	07/09/97	10/08/98, 63 FR 54053.	
Section 7-17	Manufacture of Pneumatic Tires	11/13/96	06/17/97, 62 FR 32688.	
Section 7-18	Graphic Arts—Rotogravure and Flexography	12/10/91	06/26/92, 57 FR 28265.	
Section 7-20	Petroleum Solvent Dry Cleaners	11/13/96	06/17/97, 62 FR 32688.	
Section 7-21	Volatile Organic Liquid Storage In External Floating Roof Tanks.	11/13/96	06/17/97, 62 FR 32688.	
Section 7-22	Leaks from Synthetic Organic Chemical, Polymer, and Resin Manufacturing Equipment.	11/13/96	06/17/97, 62 FR 32688.	
Section 7-23	Air Oxidation Processes in the Synthetic Organic Chemical Manufacturer's Industry.	11/13/96	06/17/97, 62 FR 32688.	
Section 7-24	Test Methods and Procedures	11/13/96	06/17/97, 62 FR 32688.	
Section 7-26	Special Provisions for New Volatile Organic Compound Sources and Modifications.	11/13/96	06/17/97, 62 FR 32688.	
Section 7-27	Handling, Storage, Use, and Disposal of Volatile Organic Compounds (VOC).	11/13/96	06/17/97, 62 FR 32688.	
Section 7-28	Surface Coating of Plastic Parts	11/13/96	06/17/97, 62 FR 32688.	
Regulation No. 8	Regulation of Emissions from Light-Duty Motor Vehicles Through Mandatory Vehicle Inspection and Maintenance Program.			
Section 8-1	Definitions	10/04/94	07/28/95, 60 FR 28694.	
Section 8-2	Motor Vehicle Inspection Requirement	10/04/94	07/28/95, 60 FR 28694.	
Section 8-3	Exemption from Motor Vehicle Inspection Equipment.	10/04/94	07/28/95, 60 FR 28694.	
Section 8-4	Motor Vehicle Emission Performance Test Criteria.	10/04/94	07/28/95, 60 FR 28694.	
Section 8-5	Motor Vehicle Anti-Tampering Test Criteria	10/04/94	07/28/95, 60 FR 28694.	
Section 8-6	Motor Vehicle Emissions Performance Test Methods.	10/04/94	07/28/95, 60 FR 28694.	
Section 8-7	Motor Vehicle Safety Equipment Test Methods ..	10/04/94	07/28/95, 60 FR 28694.	
Section 8-8	Motor Vehicle Inspection Program	10/04/94	07/28/95, 60 FR 28694.	
Section 8-9	Motor Vehicle Inspection Fee	10/04/94	07/28/95, 60 FR 28694.	
Section 8-10	Severability	10/04/94	07/28/95, 60 FR 28694.	
Regulation No. 10	Infectious Waste Incinerators.			
Section 10-1	Definitions	10/06/94	09/06/96, 61 FR 47057.	
Section 10-2	Prohibited Act	10/06/94	09/06/96, 61 FR 47057.	
Section 10-3	Emission Standards	10/06/94	09/06/96, 61 FR 47057.	
Section 10-4	Performance Specifications	10/06/94	09/06/96, 61 FR 47057.	
Section 10-5	Monitoring Requirements	10/06/94	09/06/96, 61 FR 47057.	
Section 10-6	Compliance Schedule for Existing Infectious Waste Incinerators.	10/06/94	09/06/96, 61 FR 47057.	
Section 10-7	Testing Requirement	10/06/94	09/06/96, 61 FR 47057.	
Section 10-8	Recordkeeping and Reporting Requirements	10/06/94	09/06/96, 61 FR 47057.	
Section 10-9	Severability	10/06/94	09/06/96, 61 FR 47057.	
Regulation No. 11	Emergency Episode Regulation.			
Section 11-1	Episode Criteria	11/13/96	06/17/97, 62 FR 32688.	
Section 11-2	Emission Reductions	11/13/96	06/17/97, 62 FR 32688.	
Regulation No. 14	Regulation for Control of Nitrogen Oxides.			
Section 14-1	Definitions	08/10/93	06/29/96, 61 FR 39326.	
Section 14-2	Emission Standards	08/10/93	06/29/96, 61 FR 39326.	
Section 14-3	Procedures for Determining RACT	08/10/93	06/29/96, 61 FR 39326.	
Section 14-4	Recordkeeping and Reporting Requirements	08/10/93	06/29/96, 61 FR 39326.	
Section 14-5	Compliance Schedule	08/10/93	06/29/96, 61 FR 39326.	

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[FR Doc. 05-20005 Filed 10-5-05; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[R06-OAR-2005-TX-0020; FRL-7982-2]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Texas Low-Emission Diesel Fuel Program**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Texas making changes to the Texas Low-Emission Diesel (TXLED) Fuel program. With one exception, the changes are either administrative in nature, clarify existing provisions, add more specific reporting and recordkeeping requirements, or update references. These changes meet section 110(l) of the Federal Clean Air Act (the Act) because they improve the quality of the SIP and make it more enforceable.

The more substantive change is the repeal of the state sulfur standard. This repeal being approved does not change the ultimate requirements regarding the reductions to be achieved because Texas did not rely upon the sulfur standard when EPA originally approved the program as part of the Houston ozone attainment demonstration SIP. Also, there are no sulfur dioxide (SO₂) or particulate matter (PM) nonattainment areas in the affected area and no monitored violations. As a result, in accordance with section 110(l) of the Act, this removal will not interfere with attainment of the National Ambient Air Quality Standards (NAAQS), Rate of Progress, reasonable further progress or any other applicable requirement of the Act. Under section 553(d)(1) of the Administrative Procedure Act, EPA is making this action effective upon publication because it relieves a restriction.

DATES: This rule is effective on October 6, 2005.**ADDRESSES:** EPA has established a docket for this action under Regional Material in EDocket (RME) Docket ID No. R06-OAR-2005-TX-0020. All documents in the docket are listed in the Regional Material in EDocket (RME) index at <http://docket.epa.gov/rmepub/>, once in the system, select "quick

search," then key in the appropriate RME Docket identification number. 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 at the Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at (214) 665-7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The State submittal is also available for public inspection at the State Air Agency listed below during official business hours by appointment:

Texas Commission on Environmental Quality, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Sandra Rennie, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone (214) 665-7367; fax number 214-665-7263; e-mail address rennie.sandra@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever "we," "us," or "our" is used, we mean the EPA.

Outline

- I. What Action Is EPA Taking?
- II. What Is the Background for This Action?
- III. What Comments Were Received During the Public Comment Period, August 10, 2005, to September 9, 2005?
- IV. Final Action
- V. Statutory and Executive Order Reviews

I. What Action Is EPA Taking?

Today we are approving revisions to the TXLED rule submitted to EPA for approval as a SIP revision on March 23, 2005, except two portions on which we are taking no action and one portion for which we already took action on April 6, 2005. The Executive Director of the

TCEQ submitted a letter to EPA on July 5, 2005, requesting that we not act on certain portions of the rule revision as it was submitted on March 23, 2005. We are approving revisions of those aspects of the rule on which the TCEQ has not requested that EPA postpone action.

II. What Is the Background for This Action?

We approved the original TXLED rule on November 14, 2001, (66 FR 57196) as part of the Houston-Galveston Attainment Demonstration SIP. On December 15, 2004, the Texas Commission on Environmental Quality (TCEQ) Commissioners proposed to revise the TXLED rule and adopted the rule changes on March 9, 2005. The TCEQ submitted the TXLED rule changes on March 23, 2005 to EPA for approval into the SIP. We approved the compliance date rule changes, 30 TAC 114.319, of the March 23, 2005 SIP revision for TXLED on April 6, 2005 (70 FR 17321). This was done under parallel processing at the request of the State. The compliance date was changed from April 1, 2005, to a phased schedule of implementation starting October 1, 2005, until January 1, 2006. On August 10, 2005 (70 FR 46448), we proposed approval of the remaining portions of the March 23, 2005, SIP revision submittal—30 TAC 114.6 and 114.312, 114.314-114.316, 114.318, and 114.319—except Approved Test Methods in section 114.315(b) and Alternative V in section 114.315(c)(4)(C)(ii)(V). The State requested that we take no action on these two portions of the SIP revision submittal. Please see the proposal notice and its associated Technical Support Document for more information.

Changes to the rule are to definitions, low emission diesel standards, registration of producers and importers, approved test methods, monitoring, reporting and recordkeeping requirements, testing and approval requirements for alternative fuel formulation, and alternative emission reduction plans. Except the removal of the sulfur standard, the rule changes either are administrative in nature, clarify existing provisions, update existing references, add more stringent reporting and recordkeeping requirements, or improve the new diesel formulation testing requirements. These types of changes improve the existing SIP and make it more enforceable.

The sulfur standard was removed because the federal ultra-low sulfur diesel standards are now promulgated and will reduce sulfur in on-highway diesel in 2006 and in non-road equipment starting in 2007. Reducing