

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of \$100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based upon the fact

that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of \$100 million or more in any given year. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate.

List of Subjects in 30 CFR Part 948

Abandoned mine reclamation programs, Intergovernmental relations, Surface mining, Underground mining.

Dated: December 1, 2006.

H. Vann Weaver,
Acting Regional Director, Appalachian Region.

■ For the reasons set out in the preamble, 30 CFR part 948 is amended as set forth below:

PART 948—West Virginia

■ 1. The authority citation for part 948 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 2. Section 948.20 is amended by revising the heading and paragraph (b) as follows:

§ 948.20 Approval of State abandoned mine lands reclamation plan.

* * * * *

(b) West Virginia Department of Environmental Protection, Office of Abandoned Mine Lands and Reclamation, 601 57th Street SE., Charleston, West Virginia 25304–2345, Telephone (304) 926–0485.

■ 3. Section 948.25 is amended by revising the heading, and adding in the table a new entry in chronological order by “Date of final publication” to read as follows:

§ 948.25 Approval of West Virginia abandoned mine lands reclamation plan amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* * * * *	* * * * *	* * * * *
June 27, 2006	January 17, 2007	Amendment includes AML enhancement requirements and other revisions to West Virginia’s AMLR Plan dated June 16, 2006.

[FR Doc. E7–455 Filed 1–16–07; 8:45 am]
BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60, 61, and 63

[FRL–8269–6]

Delegation of Authority to the States of Iowa, Missouri and Nebraska for New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP); and Maximum Achievable Control Technology (MACT) Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: The states of Iowa, Missouri and Nebraska have submitted updated regulations for delegation of EPA

authority for implementation and enforcement of NSPS, NESHAP, and MACT. The submissions cover new EPA standards and, in some instances, revisions to standards previously delegated. EPA’s review of the pertinent regulations shows that they contain adequate and effective procedures for the implementation and enforcement of these Federal standards. This action informs the public of delegations to the above-mentioned agencies.

DATES: This document is effective on January 17, 2007. The dates of delegation can be found in the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: Copies of documents relative to this action are available for public inspection during normal business hours at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. The interested persons wanting to examine

these documents should make an appointment with the office at least 24 hours in advance.

Effective immediately, all notifications, applications, reports, and other correspondence required pursuant to the newly delegated standards and revisions identified in this document must be submitted with respect to sources located in the jurisdictions identified in this document, to the following addresses:

Iowa Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Urbandale, Iowa 50322

Missouri Department of Natural Resources, Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102–0176

Nebraska Department of Environmental Quality, Air Quality Division, 1200 “N” Street, Suite 400, PO Box 98922, Lincoln, NE 68509

Duplicates of required documents must also continue to be submitted to

the EPA Regional Office at the above address.

FOR FURTHER INFORMATION CONTACT:

Gwen Yoshimura at (913) 551-7073, or by e-mail at yoshimura.gwen@epa.gov.

SUPPLEMENTARY INFORMATION: The supplementary information is organized in the following order:

- What does this action do?
- What is the authority for delegation?
- What does delegation accomplish?
- What has been delegated?
- What has not been delegated?
- List of Delegation Tables
 - Table I—NSPS, 40 CFR part 60
 - Table II—NESHAP, 40 CFR part 61
 - Table III—NESHAP, 40 CFR part 63

What does this action do?

The EPA is providing notice of an update to its delegable authority for implementation and enforcement of the Federal standards shown in the tables below to the states of Iowa, Missouri and Nebraska. This action updates the delegation tables previously published at 70 FR 36515 (June 24, 2005). The EPA has established procedures by which these agencies are automatically delegated the authority to implement the standards when they adopt regulations which are identical to the Federal standards. We then periodically provide notice of the new and revised standards for which delegation has been given.

What is the authority for delegation?

1. Section 111(c)(1) of the Clean Air Act (CAA) authorizes EPA to delegate authority to any state agency which

submits adequate regulatory procedures for implementation and enforcement of the NSPS program. The NSPS are codified at 40 CFR part 60.

2. Section 112(l) of the CAA and 40 CFR part 63, subpart E, authorize the EPA to delegate authority to any state or local agency which submits adequate regulatory procedures for implementation and enforcement of emission standards for hazardous air pollutants. The hazardous air pollutant standards are codified at 40 CFR parts 61 and 63, respectively.

What does delegation accomplish?

Delegation confers primary responsibility for implementation and enforcement of the listed standards to the respective state and local air agencies. However, EPA also retains the concurrent authority to enforce the standards.

What has been delegated?

Tables I, II, and III below list the delegated standards. Each item listed in the Subpart column has two relevant dates listed in each column for each state. The first date in each block is the reference date to the CFR contained in the state rule. In general, the state or local agency has adopted the applicable standard through the date as noted in the table. The second date is the most recent effective date of the state agency rule for which the EPA has granted the delegation. This notice specifically addresses revisions to the columns for Iowa, Missouri, and Nebraska.

What has not been delegated?

1. The EPA regulations effective after the first date specified in each block have not been delegated, and authority for implementation of these regulations is retained solely by EPA.

2. In some cases, the standards themselves specify that specific provisions cannot be delegated. In such cases, a specific section of the standard details what authorities can and cannot be delegated. You should review the applicable standard in the CFR for this information.

3. In some cases, the state rules do not adopt the Federal standard in its entirety. Each state rule (available from the respective agency) should be consulted for specific information.

4. In some cases, existing delegation agreements between the EPA and the agencies limit the scope of the delegated standards. Copies of delegation agreements are available from the state agencies, or from this office.

5. With respect to 40 CFR part 63, subpart A, General Provisions (see Table III), the EPA has determined that sections 63.6(g), 63.6(h)(9), 63.7(e)(2)(ii) and (f), 63.8(f), and 63.10(f) cannot be delegated. Additional information is contained in an EPA memorandum titled "Delegation of 40 CFR Part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies" from John Seitz, Director, Office of Air Quality Planning and Standards, dated July 10, 1998.

List of Delegation Tables

TABLE I.—DELEGATION OF AUTHORITY—PART 60 NSPS—REGION 7

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska
A	General Provisions	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
D	Fossil-Fuel Fired Steam Generators for Which Construction is Commenced After August 17, 1971.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
Da	Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
Db	Industrial-Commercial-Institutional Steam Generating Units	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
Dc	Small Industrial-Commercial-Institutional Steam Generating Units	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
E	Incinerators	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
Ea	Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989, and on or before September 20 1994.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
Eb	Large Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994, or for Which Modification or Reconstruction is Commenced After June 19, 1996.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
Ec	Hospital/Medical/Infectious Waste Incinerators for Which Construction Commenced after June 20, 1996.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
F	Portland Cement Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
G	Nitric Acid Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
H	Sulfuric Acid Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04

TABLE I.—DELEGATION OF AUTHORITY—PART 60 NSPS—REGION 7—Continued

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska
I	Hot Mix Asphalt Facilities	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
J	Petroleum Refineries	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
K	Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
Ka	Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
Kb	Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	10/15/03 12/14/04
L	Secondary Lead Smelters	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
M	Secondary Brass and Bronze Production Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
N	Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
Na	Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
O	Sewage Treatment Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
P	Primary Copper Smelters	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
Q	Primary Zinc Smelters	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
R	Primary Lead Smelters	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
S	Primary Aluminum Reduction Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
T	Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
U	Phosphate Fertilizer Industry: Superphosphoric Acid Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
V	Phosphate Fertilizer Industry: Diammonium Phosphate Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
W	Phosphate Fertilizer Industry: Triple Superphosphate Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
X	Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
Y	Coal Preparation Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
Z	Ferroalloy Production Facilities	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
AA	Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983.	02/22/05 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
AAa	Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983.	02/22/05 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
BB	Kraft Pulp Mills	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
CC	Glass Manufacturing Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
DD	Grain Elevators	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
EE	Surface Coating of Metal Furniture	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
GG	Stationary Gas Turbines	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/08/04 05/07/05
HH	Lime Manufacturing Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
KK	Lead-Acid Battery Manufacturing Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
LL	Metallic Mineral Processing Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
MM	Automobile and Light Duty Truck Surface Coating Operations	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
NN	Phosphate Rock Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
PP	Ammonium Sulfate Manufacture	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04

TABLE I.—DELEGATION OF AUTHORITY—PART 60 NSPS—REGION 7—Continued

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska
QQ	Graphic Arts Industry: Publication Rotogravure Printing	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
RR	Pressure Sensitive Tape and Label Surface Coating Operations	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
SS	Industrial Surface Coating: Large Appliances	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
TT	Metal Coil Surface Coating	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
UU	Asphalt Processing and Asphalt Roofing Manufacture	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
VV	Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
WW	Beverage Can Surface Coating Industry	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
XX	Bulk Gasoline Terminals	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
AAA	New Residential Wood Heaters	12/19/03 12/15/04	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
BBB	Rubber Tire Manufacturing Industry	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
DDD	Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
FFF	Flexible Vinyl and Urethane Coating and Printing	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
GGG	Equipment Leaks of VOC in Petroleum Refineries	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
HHH	Synthetic Fiber Production Facilities	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
III	Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) AIR Oxidation Unit Processes.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
JJJ	Petroleum Dry Cleaners	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
KKK	Equipment Leaks of VOC from Onshore Natural Gas Processing Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
LLL	Onshore Natural Gas Processing: SO2 Emissions	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
NNN	Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
OOO	Nonmetallic Mineral Processing Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
PPP	Wool Fiberglass Insulation Manufacturing Plants	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
QQQ	VOC Emissions from Petroleum Refinery Wastewater Systems	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
RRR	Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
SSS	Magnetic Tape Coating Facilities	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
TTT	Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
UUU	Calciners and Dryers in Mineral Industries	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
VVV	Polymeric Coating of Supporting Substrates Facilities	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
WWW	Municipal Solid Waste Landfills	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
AAAA	Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
CCCC	Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced After November 30, 1999 or for Which Modification or Reconstruction is Commenced on or After June 1, 2001.	02/27/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04
DDDD	Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999.	.....	.....	07/01/03 12/14/04	07/01/03 12/14/04
EEEE	Other Solid Waste Incineration Units for Which Construction Commenced After December 9, 2004 or Modification or Reconstruction Commenced On or After June 16, 2006.	12/16/05 08/23/06	.....	.....	.....

TABLE I.—DELEGATION OF AUTHORITY—PART 60 NSPS—REGION 7—Continued

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska
FFFF	Other Solid Waste Incineration Units that Commenced Construction On or Before December 9, 2004.	.....	.....	.....	.....

TABLE II.—DELEGATION OF AUTHORITY—PART 61 NESHAP—REGION 7

Subpart	Source Category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska	Lincoln-Lancaster County	City of Omaha
A	General Provisions	12/11/03 12/15/04	07/01/03 12/03/04	06/30/03 11/30/05	07/01/01 07/10/02	07/01/92 07/31/01	07/01/01 04/18/03
B	Radon Emissions from Underground Uranium Mines.	.....	07/01/03 12/03/04	.....	.....	.....	.....
C	Beryllium	12/11/03 12/15/04	7/01/03 12/03/04	06/30/03 11/30/05	07/01/01 07/10/02	07/01/92 07/31/01	07/01/01 04/18/03
D	Beryllium Rocket Motor Firing	12/11/03 12/15/04	07/01/03 12/03/04	06/30/03 11/30/05	07/01/01 07/10/02	07/01/92 07/31/01	07/01/01 04/18/03
E	Mercury	12/11/03 12/15/04	07/01/03 12/03/04	06/30/03 11/30/05	07/01/01 07/10/02	07/01/92 07/31/01	07/01/01 04/18/03
F	Vinyl Chloride	12/11/03 12/15/04	07/01/03 12/03/04	06/30/03 11/30/05	07/01/01 07/10/02	07/01/92 07/31/01	07/01/01 04/18/03
J	Equipment Leaks (Fugitive Emission Sources) of Benzene.	12/11/03 12/15/04	07/01/03 12/03/04	06/30/03 11/30/05	07/01/01 07/10/02	07/01/92 07/31/01	07/01/01 04/18/03
L	Benzene Emissions from Coke By-Product Recovery Plants.	12/11/03 12/15/04	07/01/03 12/03/04	06/30/03 11/30/05	07/01/01 07/10/02	07/01/92 07/31/01	07/01/01 04/18/03
M	Asbestos	12/11/03 12/15/04	07/01/03 12/03/04	06/30/03 11/30/05	07/01/01 07/10/02	07/01/92 07/31/01	07/01/01 04/18/03
N	Inorganic Arsenic Emissions from Glass Manufacturing Plants.	12/11/03 12/15/04	07/01/03 12/03/04	06/30/03 11/30/05	07/01/01 07/10/02	07/01/92 07/31/01	07/01/01 04/18/03
O	Inorganic Arsenic Emissions From Primary Copper Smelters.	12/11/03 12/15/04	07/01/03 12/03/04	06/30/03 11/30/05	07/01/01 07/10/02	07/01/92 07/31/01	07/01/01 04/18/03
P	Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities.	12/11/03 12/15/04	07/01/03 12/03/04	06/30/03 11/30/05	07/01/01 07/10/02	07/01/92 07/31/01	07/01/01 04/18/03
Q	Radon Emissions From Department of Energy Facilities.	.....	07/01/03 12/03/04	.....	.....	.....	.....
R	Radon Emissions From Phosphogypsum Stacks.	.....	07/01/03 12/03/04	.....	.....	.....	.....
T	Radon Emissions From the Disposal of Uranium Mill Tailings.	.....	07/01/03 12/03/04	.....	.....	.....	.....
V	Equipment Leaks (Fugitive Emission Sources).	12/11/03 12/15/04	07/01/03 12/03/04	06/30/03 11/30/05	07/01/01 07/10/02	07/01/92 07/31/01	07/01/01 04/18/03
W	Radon Emissions From Operating Mill Tailings.	.....	07/01/03 12/03/04	.....	.....	.....	.....
Y	Benzene Emissions From Benzene Storage Vessels.	12/11/03 12/15/04	07/01/03 12/03/04	06/30/03 11/30/05	07/01/01 07/10/02	07/01/92 07/31/01	07/01/01 04/18/03
BB	Benzene Emissions From Benzene Transfer Operations.	12/11/03 12/15/04	07/01/03 12/03/04	06/30/03 11/30/05	07/01/01 07/10/02	07/01/92 07/31/01	07/01/01 04/18/03
FF	Benzene Waste Operations	12/11/03 12/15/04	07/01/03 12/03/04	06/30/03 11/30/05	07/01/01 07/10/02	07/01/92 07/31/01	07/01/01 04/18/03

TABLE III.—DELEGATION OF AUTHORITY—PART 63 NESHAP—REGION 7

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska	Lincoln-Lancaster County	City of Omaha
A	General Provisions	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
B	Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Section 112(g) and (j).	02/16/06 08/23/06	07/01/03 12/03/04	12/31/00 11/20/02	07/01/03 12/14/04	.....	04/05/02 04/18/03 (112(g) only)
D	Compliance Extensions for Early Reductions of Hazardous Air Pollutants.	02/16/06 08/23/06	07/01/03 12/03/04	12/31/00 09/30/02	07/01/03 12/14/04	11/21/94 07/31/01	12/29/92 04/18/03
F	Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03

TABLE III.—DELEGATION OF AUTHORITY—PART 63 NESHAP—REGION 7—Continued

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska	Lincoln-Lancaster County	City of Omaha
G	Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
H	Organic Hazardous Air Pollutants for Equipment Leaks.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
I	Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
J	Polyvinyl Chloride and Copolymers Production.	02/16/06 08/23/06	07/01/03 12/03/04	.....	.....	.....	.....
L	Coke Oven Batteries	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	.....	.....	.....
M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
N	Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/19/04 09/25/05	07/01/00 07/31/01	07/01/01 04/18/03
O	Ethylene Oxide Emissions Standards for Sterilization Facilities.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
Q	Industrial Process Cooling Towers	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
R	Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/98 04/18/03
S	Pulp and Paper Industry	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
T	Halogenated Solvent Cleaning	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
U	Polymers and Resins Group I	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
W	Epoxy Resins Production and Non-Nylon Polyamides Production.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
X	Secondary Lead Smelting	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
Y	Marine Tank Vessel Loading Operations ..	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	.....	.....	.....
AA/BB	Phosphoric Acid/Phosphate Fertilizers	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
CC	Petroleum Refineries	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/81/97 07/31/01	07/01/01 04/18/03
DD	Off-Site Waste and Recovery Operations	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
EE	Magnetic Tape Manufacturing Operations	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
GG	Aerospace Manufacturing and Rework Facilities.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
HH	Oil and Natural Gas Production Facilities	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
II	Shipbuilding and Ship Repair (Surface Coating).	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	.....	.....	.....
JJ	Wood Furniture Manufacturing Operations	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
KK	Printing and Publishing Industry	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
LL	Primary Aluminum Reduction Plants	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
MM	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Along Semichemical Pulp Mills.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	07/01/01 04/18/03
OO	Tanks-Level 1	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
PP	Containers	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
QQ	Surface Impoundments	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
RR	Individual Drain Systems	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03

TABLE III.—DELEGATION OF AUTHORITY—PART 63 NESHAP—REGION 7—Continued

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska	Lincoln-Lancaster County	City of Omaha
SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
TT	Equipment Leaks—Control Level 1 Standards.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
UU	Equipment Leaks—Control Level 2 Standards.	02/16/06 08/23/06	.....	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
VV	Oil-Water Separators and Organic-Water Separators.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
WW	Storage Vessel (Tanks)—Control Level 2	02/16/06 08/23/06	.....	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
XX	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.	02/16/06 08/23/06	.....	.....	.....	.....	.....
YY	Generic Maximum Achievable Control Technology Standards.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
CCC	Steel Pickling-HCL Process Facilities and Hydrochloric Acid Regeneration Plants.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
DDD	Mineral Wool Production	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
EEE	Hazardous Waste Combustors	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	.....
GGG	Pharmaceutical Production	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
HHH	Natural Gas Transmission and Storage Facilities.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
III	Flexible Polyurethane Foam Production ...	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
JJJ	Polymers and Resins Group IV	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
LLL	Portland Cement Manufacturing Industry ..	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
MMM	Pesticide Active Ingredient Production	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
NNN	Wool Fiberglass Manufacturing	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
OOO	Manufacture of Amino/Phenolic Resins	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
PPP	Polyether Polyols Production	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
QQQ	Primary Copper Smelting	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	.....	.....	.....
RRR	Secondary Aluminum Production	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	09/03/04 09/25/05	.....	07/01/01 04/18/03
TTT	Primary Lead Smelting	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
UUU	Petroleum Refineries	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
VVV	Publicly Owned Treatment Works	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	07/01/01 04/18/03
XXX	Ferroalloys Production	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	07/01/00 07/31/01	07/01/01 04/18/03
AAAA	Municipal Solid Waste Landfills	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
CCCC	Manufacturing of Nutritional Yeast	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	07/01/01 04/18/03
DDDD	Plywood and Composite Wood Products ..	02/16/06 08/23/06	.....	.....	07/01/03 09/25/05	.....	.....
EEEE	Organic Liquids Distribution (Non-Gasoline).	02/16/06 08/23/06	.....	.....	07/01/03 09/25/05	.....	.....
FFFF	Misc. Organic Chemical Manufacturing	02/16/06 08/23/06	.....	.....	07/01/03 09/25/05	.....	.....
GGGG	Solvent Extraction for Vegetable Oil Production.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	09/01/04 09/25/05	.....	07/01/01 04/18/03
HHHH	Wet Formed Fiberglass Mat Production	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
IIII	Surface Coating of Automobiles and Light-Duty Trucks.	02/16/06 08/23/06	.....	.....	07/01/03 09/25/05	.....	.....
JJJJ	Paper and Other Web Coating	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....

TABLE III.—DELEGATION OF AUTHORITY—PART 63 NESHAP—REGION 7—Continued

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska	Lincoln-Lancaster County	City of Omaha
KKKK	Surface Coating of Metal Cans	02/16/06 08/23/06	07/01/03 12/03/04	.....	07/01/03 09/25/05	.....	.....
MMMM	Surface Coating of Misc. Metal Parts and Products.	02/16/06 08/23/06	.....	.....	07/01/03 09/25/05	.....	.....
NNNN	Surface Coating of Large Appliances	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
OOOO	Printing, Coating and Dyeing of Fabrics and Other Textiles.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
PPPP	Surface Coating of Plastic Parts and Products.	.....	.....	.....	07/01/03 09/25/05	.....	.....
QQQQ	Surface Coating of Wood Building Products.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
RRRR	Surface Coating of Metal Furniture	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
SSSS	Surface Coating of Metal Coil	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
TTTT	Leather Finishing Operations	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
UUUU	Cellulose Products Manufacturing	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
VVVV	Boat Manufacturing	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
WWWW	Reinforced Plastic Composites Production	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
XXXX	Rubber Tire Manufacturing	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
YYYY	Stationary Combustion Turbines	02/16/06 08/23/06	.....	.....	07/01/03 09/25/05	.....	.....
ZZZZ	Stationary Reciprocating Internal Combustion Engines.	.....	.....	.....	07/01/03 09/25/05	.....	.....
AAAAA	Lime Manufacturing Plants .....	.....	.....	.....	07/01/03 09/25/05	.....	.....
BBBBB	Semiconductor Manufacturing	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	.....	.....	.....
CCCCC	Coke Ovens: Pushing, Quenching, and Battery Stacks.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	.....	.....	.....
DDDDD	Industrial, Commercial and Institutional Boilers and Process Heaters.	02/16/06 08/23/06	.....	06/30/03 11/30/05	07/01/03 09/25/05	.....	.....
EEEEE	Iron and Steel Foundries	02/16/06 08/23/06	.....	.....	07/01/03 09/25/05	.....	.....
FFFFF	Integrated Iron and Steel Manufacturing Facilities.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
GGGGG	Site Remediation	02/16/06 08/23/06	.....	.....	07/01/03 09/25/05	.....	.....
HHHHH	Misc. Coating Manufacturing	02/16/06 08/23/06	07/01/03 12/03/04	.....	07/01/03 09/25/05	.....	.....
IIIII	Mercury Cell Chlor-Alkali Plants	02/16/06 08/23/06	07/01/03 12/03/04	.....	.....	.....	.....
JJJJJ	Brick and Structural Clay Products Manufacturing.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
KKKKK	Clay Ceramics Manufacturing	02/16/06 08/23/06	.....	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
LLLLL	Asphalt Processing and Asphalt Roofing Manufacturing.	02/16/06 08/23/06	07/01/03 12/03/04	.....	07/01/03 12/14/04	.....	.....
MMMMM	Flexible Poly-urethane Foam Fabrication Operation.	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
NNNNN	Hydrochloric Acid Production	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
PPPPP	Engine Test Cells/Standards	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	07/01/03 12/14/04	.....	.....
QQQQQ	Friction Materials Manufacturing Facilities	02/16/06 08/23/06	07/01/03 12/03/04	06/30/03 11/30/05	.....	.....	.....
RRRRR	Taconite Iron Ore Processing	02/16/06 08/23/06	.....	.....	.....	.....	.....
SSSSS	Refractory Products Manufacturing	02/16/06 08/23/06	07/01/03 12/03/04	.....	07/01/03 12/14/04	.....	.....
TTTTT	Primary Magnesium Refining	02/16/06 08/23/06	.....	.....	.....	.....	.....

Summary of This Action

All sources subject to the requirements of 40 CFR parts 60, 61, and 63 are also subject to the equivalent requirements of the above-mentioned state or local agencies.

This notice informs the public of delegations to the above-mentioned agencies of the above-referenced Federal regulations.

Authority: This notice is issued under the authority of sections 101, 110, 112, and 301 of the CAA, as amended (42 U.S.C. 7401, 7410, 7412, and 7601).

Dated: January 6, 2007.

John B. Askew,

Regional Administrator, Region 7.

[FR Doc. E7-527 Filed 1-16-07; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 219

[Docket No. 2001-11213, Notice No. 10]

RIN 2130-AA81

Alcohol and Drug Testing: Determination of Minimum Random Testing Rates for 2007

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of determination.

SUMMARY: Using data from Management Information System annual reports, FRA has determined that the 2005 rail industry random testing positive rates were 0.73 percent for drugs and 0.17 percent for alcohol. Because the industry-wide random drug testing positive rate has remained below 1.0 percent for the last two years, the Federal Railroad Administrator (Administrator) has determined that the minimum annual random drug testing rate for the period January 1, 2007,

through December 31, 2007, will remain at 25 percent of covered railroad employees. In addition, because the industry-wide random alcohol testing violation rate has remained below 0.5 percent for the last two years, the Administrator has determined that the minimum random alcohol testing rate will remain at 10 percent of covered railroad employees for the period January 1, 2007, through December 31, 2007.

DATES: This notice is effective upon publication.

FOR FURTHER INFORMATION CONTACT:

Lamar Allen, Alcohol and Drug Program Manager, Office of Safety Enforcement, Mail Stop 25, Federal Railroad Administration, 1120 Vermont Avenue, NW., Washington, DC 20005 (telephone 202 493-6313); or Kathy Schnakenberg, FRA Alcohol/Drug Program Specialist (telephone 816 561-2714).

SUPPLEMENTARY INFORMATION:

Administrator's Determination of 2007 Minimum Random Drug and Alcohol Testing Rates

In a final rule published on December 2, 1994 (59 FR 62218), FRA announced that it will set future minimum random drug and alcohol testing rates according to the rail industry's overall positive rate, which is determined using annual railroad drug and alcohol program data taken from FRA's Management Information System. Based on this data, the Administrator publishes a **Federal Register** notice each year, announcing the minimum random drug and alcohol testing rates for the following year. See 49 CFR 219.602, 608.

Under this performance-based system, FRA may lower the minimum random drug testing rate to 25 percent of covered railroad employees whenever the industry-wide random drug positive rate is less than 1.0 percent for two calendar years while testing at a 50 percent minimum rate. For both drugs and alcohol, FRA reserves the right to

consider other factors, such as the number of positives in its post-accident testing program, before deciding whether to lower annual minimum random testing rates. If the industry-wide random drug positive rate is 1.0 percent or higher in any subsequent calendar year, FRA will return the minimum random drug testing rate to 50 percent of covered railroad employees.

If the industry-wide random alcohol violation rate is less than 1.0 percent but greater than 0.5 percent, the minimum random alcohol testing rate will be 25 percent of covered railroad employees. FRA will raise the minimum random rate to 50 percent of covered railroad employees if the industry-wide random alcohol violation rate is 1.0 percent or higher in any subsequent calendar year. FRA may lower the minimum random alcohol testing rate to 10 percent of covered railroad employees whenever the industry-wide violation rate is less than 0.5 percent for two calendar years while testing at a higher rate.

In this notice, FRA announces that the minimum random drug testing rate will remain at 25 percent of covered railroad employees for the period January 1, 2007, through December 31, 2007, because the industry random drug testing positive rate was below 1.0 percent for the last two years (.073 in 2005 and .094 in 2004). The minimum random alcohol testing rate will remain at 10 percent of covered railroad employees for the period January 1, 2007, through December 31, 2007, because the industry-wide violation rate for alcohol has remained below 0.5 percent for the last two years (.017 in 2005 and .018 in 2004). Railroads remain free, as always, to conduct random testing at higher rates.

Issued in Washington, DC on January 9, 2007.

Joseph H. Boardman,
Administrator.

[FR Doc. E7-470 Filed 1-16-07; 8:45 am]

BILLING CODE 4910-06-P