

US EPA ARCHIVE DOCUMENT

(i) Incorporation by reference:  
(A) Regulation Title 6 of the New York Codes, Rules and Regulations (NYCRR), Part 217, "Motor Vehicle Enhanced Inspection and Maintenance Program Requirements," specifically, Subpart 217-1, "Motor Vehicle Enhanced Inspection and Maintenance

Program Requirements" and Subpart 217-4, "Inspection and Maintenance Program Audits," effective on October 30, 2002, and the New York State Department of Motor Vehicles regulation Title 15 NYCRR Part 79 "Motor Vehicle Inspection Regulations," specifically, Sections

79.1-79.15, 79.17, 79.20, 79.21, 79.24, and 79.25, effective on May 4, 2005.  
■ 3. In 52.1679, the table is amended by revising the entries under Title 6 for Part 217 and Title 15 for Part 79 to read as follows:

**§ 52.1679 EPA-approved New York State regulations.**

| New York State regulation                                                                               | State effective date | Latest EPA approval date | Comments                   |
|---------------------------------------------------------------------------------------------------------|----------------------|--------------------------|----------------------------|
| Title 6:                                                                                                |                      |                          |                            |
| * * * * *                                                                                               |                      |                          |                            |
| Part 217, Motor Vehicle Emissions:                                                                      |                      |                          |                            |
| Subpart 217-1, Motor Vehicle Enhanced Inspection and Maintenance Program Requirements.                  | 10/30/02             | 2/21/07                  | [Insert FR page citation]. |
| Subpart 217-4, Inspection and Maintenance Program Audits .....                                          | 10/30/02             | 2/21/07                  | [Insert FR page citation]. |
| * * * * *                                                                                               |                      |                          |                            |
| Title 15:                                                                                               |                      |                          |                            |
| Part 79, "Motor Vehicle Inspection Regulations" Sections 79.1-79.15, 79.17, 79.20, 79.21, 79.24, 79.25. | 5/4/05               | 2/21/07                  | [Insert FR page citation]. |
| * * * * *                                                                                               |                      |                          |                            |

[FR Doc. E7-2801 Filed 2-20-07; 8:45 am]  
BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 70**

[EPA-R07-OAR-2006-0803; FRL-8278-8]

**Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving revisions to the Missouri State Implementation Plan (SIP) and Operating Permits Program. The revisions clarify the rule and streamline processes without negatively impacting air quality. The approved revisions will ensure consistency between the state and the Federally-approved rules.

**DATES:** This direct final rule will be effective April 23, 2007, without further notice, unless EPA receives adverse comment by March 23, 2007. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R07-OAR-2006-0803, by one of the following methods:

1. *http://www.regulations.gov*. Follow the online instructions for submitting comments.

2. *E-mail:* [algoe-eakin.amy@epa.gov](mailto:algoe-eakin.amy@epa.gov).

3. *Mail:* Amy Algae-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

5. *Hand Delivery or Courier:* Deliver your comments to Amy Algae-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

*Instructions:* Direct your comments to Docket ID No. EPA-R07-OAR-2006-0803. 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 through *http://www.regulations.gov* or e-mail information that you consider to be CBI or otherwise protected. 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 at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. The Regional Office's official hours of business are Monday through Friday, 8 a.m. to 4 p.m. excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:**

Amy Algoe-Eakin at (913) 551-7942, or by e-mail at [algoe-eakin.amy@epa.gov](mailto:algoe-eakin.amy@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This section provides additional information by addressing the following questions:

What is a SIP?

What is the Federal approval process for a SIP?

What does Federal approval of a state regulation mean to me?

What is the part 70 operating permits program?

What is the Federal approval process for an operating permits program?

What is being addressed in this document?

Have the requirements for approval of a SIP revision and a Part 70 revision been met?

What action is EPA taking?

**What is a SIP?**

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to us for approval and incorporation into the Federally-enforceable SIP. Each Federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

**What is the Federal approval process for a SIP?**

In order for state regulations to be incorporated into the Federally-enforceable SIP, states must formally adopt the regulations and control

strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 110 of the CAA are incorporated into the Federally-approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at title 40, part 52, entitled "Approval and Promulgation of Implementation Plans." The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are "incorporated by reference," which means that we have approved a given state regulation with a specific effective date.

**What does Federal approval of a state regulation mean to me?**

Enforcement of the state regulation before and after it is incorporated into the Federally-approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in section 304 of the CAA.

**What is the part 70 operating permits program?**

The CAA Amendments of 1990 require all states to develop operating permits programs that meet certain Federal criteria. In implementing this program, the states are to require certain sources of air pollution to obtain permits that contain all applicable requirements under the CAA. One purpose of the part 70 operating permits program is to improve enforcement by issuing each source a single permit that consolidates all of the applicable CAA requirements into a Federally-enforceable document. By consolidating all of the applicable requirements for a facility into one document, the source, the public, and the permitting authorities can more easily determine what CAA requirements apply and how compliance with those requirements is determined.

Sources required to obtain an operating permit under this program include "major" sources of air pollution and certain other sources specified in the CAA or in our implementing regulations. For example, all sources regulated under the acid rain program, regardless of size, must obtain permits. Examples of major sources include those that emit 100 tons per year or more of volatile organic compounds, carbon monoxide, lead, sulfur dioxide, nitrogen dioxide, or PM<sub>10</sub>; those that emit 10 tons per year of any single hazardous air pollutant (HAP) (specifically listed under the CAA); or those that emit 25 tons per year or more of a combination of HAPs.

Revision to the state and local agencies operating permits program are also subject to public notice, comment, and our approval.

**What is the Federal approval process for an operating permits program?**

In order for state regulations to be incorporated into the Federally-enforceable Title V operating permits program, states must formally adopt regulations consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the approved operating permits program. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 502 of the CAA are incorporated into the Federally-approved operating permits program. Records of such actions are maintained in the CFR at Title 40, part 70, appendix A, entitled "Approval Status of State and Local Operating Permits Programs."

**What is being addressed in this document?**

On January 3, 2006, Missouri requested that EPA approve a revision to the SIP and Operating Permits Program to include revisions to the Operating Permits rule, 10 CSR 10-6.065. The rule revisions streamline the basic and intermediate operating permits, which will minimize workload for both industry and state air program staff while maintaining the National Ambient Air Quality Standards

(NAAQS). The rule revisions include the following:

- General reformatting of the rule,
- Added the definition of “Air Pollutant” and added a statement that definitions specified in this rule may be found in the Definitions and Common Reference Table Rule, 10 CSR 10–6.020,
- Added new Section (3), which describes the process for issuance of single, multiple or general permits,
- Revised Section (4), which relates to the Basic State Operating Permits, and we are not acting on this section pursuant to the December 20, 2006, letter from MDNR.

- Revised Section (5), which relates to the Intermediate State Operating Permits; these revisions include deleting references to Section (4), revising procedures for permit notifications, including rule language for standard permit content, clarifying the relationship between single, multiple and general permits, and outlines permit procedures for notifying the Administrator of state intermediate operating permits. These changes to the intermediate program do not affect the stringency of the SIP-approved program but merely make it more consistent with the state’s Title V program.

- Amended subsection (6)(B), Part 70 Operating Permit Applications, to provide for a specific date by which an installation must file a complete application and provide for a specific date when an installation becomes subject to Part 70 operating permits. It should be noted that this is the only change in the rule revisions which specifically relates to Missouri’s Title V operating permit program. It does not change the applicability of the approved program but merely makes it more explicit.

Further information on specific changes made to this rule is available in the Technical Support Documentation developed for this action.

#### **Have the requirements for approval of a SIP revision and a Part 70 revision been met?**

The submittal satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, the state submittal has met the public notice requirements for SIP submission in accordance with 40 CFR 51.102 and met the substantive SIP requirements of the CAA. Finally, the submittal met the substantive requirements of Title V of the 1990 CAA Amendments and 40 CFR part 70.

#### **What action is EPA taking?**

We are approving the revisions to the Missouri Operating Permits rule, 10 CSR

10–6.065, into the SIP and Operating Permit Program. Per Missouri’s request, we are not approving revisions to Section (4) into the SIP or Part 70 as this section relates to the state’s Basic Operating Permit Program.

We are processing this action as a direct final action because the revisions make routine changes to the existing rules, which are noncontroversial and make regulatory revisions required by state statute. Therefore, we do not anticipate any adverse comments. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment.

#### **Statutory and Executive Order Reviews**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255,

August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045, “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

In reviewing SIP and Title V submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. 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 state submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a state submission, to use VCS in place of a state submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 23, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to

enforce its requirements. (See section 307(b)(2).)

### List of Subjects

#### 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.

#### 40 CFR Part 70

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: February 9, 2007.

**John B. Askew,**  
Regional Administrator, Region 7.

■ Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### EPA-APPROVED MISSOURI REGULATIONS

| Missouri citation                                                                                                                                    | Title                | State effective date | EPA approval date                                           | Explanation                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------|-------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <b>Missouri Department of Natural Resources</b>                                                                                                      |                      |                      |                                                             |                                                                                      |
| *                                                                                                                                                    | *                    | *                    | *                                                           | *                                                                                    |
| <b>Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri</b> |                      |                      |                                                             |                                                                                      |
| *                                                                                                                                                    | *                    | *                    | *                                                           | *                                                                                    |
| 10-6.065 .....                                                                                                                                       | Operating Permits .. | 09/30/05             | 02/21/07 [insert FR page number where the document begins]. | Section (4) Basic State Operating Permits, has not been approved as part of the SIP. |
| *                                                                                                                                                    | *                    | *                    | *                                                           | *                                                                                    |

\* \* \* \* \*

### PART 70—[AMENDED]

■ 1. The authority citation for part 70 continues to read as follows:

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

#### Appendix A—[Amended]

■ 2. Appendix A to part 70 is amended by adding paragraph (t) under Missouri to read as follows:

#### Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

\* \* \* \* \*

Missouri

\* \* \* \* \*

(t) The Missouri Department of Natural Resources submitted revisions to Missouri rule 10 CSR 10-6.065, "Operating Permits" on January 3, 2006. We are approving this rule except for Section (4) which relates to the State Basic Operating Permits. This approval is effective April 23, 2007.

\* \* \* \* \*

[FR Doc. E7-2808 Filed 2-20-07; 8:45 am]

BILLING CODE 6560-50-P

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

#### 43 CFR Part 2930

RIN 1004-AD68

[WO-250-1220-PA-24 1A]

#### Permits for Recreation on Public Lands

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

**ACTION:** Final rule.

**SUMMARY:** This final rule updates the regulations of the Bureau of Land Management (BLM) that explain how to obtain recreation permits for commercial recreational operations, competitive events and activities, organized group activities and events, and individual recreational use of special areas.

The final rule is needed to remove from the regulations inconsistencies with the Federal Lands Recreation Enhancement Act (REA), which authorizes the Secretaries of the Interior and Agriculture to establish, modify, charge, and collect recreation fees at Federal recreation lands and waters for the next 10 years.

**DATES:** Effective date: March 23, 2007.

### PART 52—[AMENDED]

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

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

#### Subpart AA—Missouri

■ 2. In § 52.1320(c) the table is amended under Chapter 6 by revising the entry for "10-6.065" to read as follows:

#### § 52.1320 Identification of plan.

\* \* \* \* \*  
(c) \* \* \*

**ADDRESSES:** You may submit inquiries or suggestions to Director (250), Bureau of Land Management, Room 301-LS, Eastern States Office, 7450 Boston Boulevard, Springfield, Virginia 22153.

#### FOR FURTHER INFORMATION CONTACT:

Anthony Bobo at (202) 452-0333 as to the substance of the final rule, or Ted Hudson at (202) 452-5042 as to procedural matters. Persons who use a telecommunications device for the deaf (TDD) may contact either individual by calling the Federal Information Relay Service (FIRS) at (800) 877-8339, 24 hours a day, 7 days a week.

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion of Public Comments
- III. Discussion of Final Rule
- IV. Procedural Matters

#### I. Background

The REA was passed as part of the 2005 Omnibus Appropriations bill, and signed into law on December 8, 2004. The Act provides authority for 10 years for the Secretaries of the Interior and Agriculture to establish, modify, charge, and collect recreation fees for use of certain Federal recreation lands and waters.

Section 13 of REA repealed certain admission and use fee authorities, including Section 4(a) through (i) of the