

absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 25, 2005. Interested parties should comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal. 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 in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: May 9, 2005.

**Robert W. Varney,**

*Regional Administrator, EPA New England.*

■ Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

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

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

#### Subpart U—Maine

■ 2. Section 52.1020 is amended by adding paragraph (c)(55) to read as follows:

##### § 52.1020 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(55) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 29, 2004.

(i) Incorporation by reference.

(A) Chapter 148 of the Maine Department of Environmental Protection Regulations, "Emissions from Smaller-Scale Electric Generating Resources" effective in the State of Maine on August 9, 2004.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

■ 3. In § 52.1031, Table 52.1031 is amended by adding a new state citation, 148, to read as follows:

##### § 52.1031 EPA—approved Maine regulations.

\* \* \* \* \*

TABLE 52.1031.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/Subject	Date adopted by State	Date approved by EPA	Federal Register citation	52.1020
148 ....	Emissions from Smaller-Scale Electric Generating Resources.	7/15/04	5/26/05	[Insert <i>FR</i> citation from published date]	(c)(55).
*	*	*	*	*	*

**Note.** —1. The regulations are effective statewide unless stated otherwise in comments section.

[FR Doc. 05–10508 Filed 5–25–05; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[R03–OAR–2005–PA–0008; FRL–7917–2]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO<sub>x</sub> RACT Determinations for Eleven Individual Sources; Partial Withdrawal of Direct Final Rule

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

**ACTION:** Partial withdrawal of direct final rule.

**SUMMARY:** Due to incomplete information contained in the Commonwealth's submission, EPA is withdrawing an individual source that was included as part of a direct final rule to approve Pennsylvania's SIP pertaining to source-specific volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>) RACT determinations for eleven individual sources located in Pennsylvania. The direct final rule was published on March 31, 2005 (70 FR 16416). Subsequently, EPA is withdrawing the one provision of that direct final rule.

**DATES:** The addition of the entry for Dart Container Corporation in 40 CFR 52.2020 (d)(1) published at 70 FR 16419 is withdrawn as of May 26, 2005.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule located in the Rules and Regulations section of the March 31, 2005, **Federal Register** (70 FR 16416). EPA is withdrawing only the provision for one individual source, namely, Dart Container Corporation, Upper Leacock Township, Lancaster County, Pennsylvania. The other actions in the March 31, 2005, **Federal Register** are not affected.

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

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

Dated: May 16, 2005.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

Accordingly, the addition of the entry for Dart Container Corporation in 40 CFR 52.2020(d)(1) published at 70 FR 16419 is withdrawn as of May 26, 2005.

[FR Doc. 05-10511 Filed 5-25-05; 8:45 am]

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

[R03-OAR-2005-PA-0011; FRL-7917-6]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Withdrawal of Direct Final Rule**

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to adverse comments, EPA is withdrawing the direct final rule to approve Pennsylvania's State Implementation Plan (SIP) revision. The SIP revision pertains to source-specific nitrogen oxides (NO<sub>x</sub>) reasonably available control technology (RACT) determination for five individual sources located in Pennsylvania. In the direct final rule published on March 30, 2005 (70 FR 16115), we stated that if we received adverse comments by April 29, 2005, the rule would be withdrawn and not take effect. EPA subsequently received adverse comments. EPA will address the comments received in a subsequent final action based upon the proposed action also published on March 30, 2005 (70 FR 16203). EPA will

not institute a second comment period on this action.

**DATES:** The direct final rule is withdrawn as of May 26, 2005.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 814-2182, or by e-mail at [quinto.rose@epa.gov](mailto:quinto.rose@epa.gov).

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

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

Dated: May 16, 2005.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

Accordingly, the addition of the entries for R. H. Sheppard Co. Inc.; Wheatland Tube Company; Transcontinental Gas Pipeline Corporation (OP-53-0006); Transcontinental Gas Pipeline Corporation (OP-19-0004); and, Transcontinental Gas Pipeline Corporation (PA-41-0005A) in 40 CFR 52.2020(d)(1) published at 70 FR 16118 are withdrawn as of May 26, 2005.

[FR Doc. 05-10512 Filed 5-25-05; 8:45 am]

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

[R03-OAR-2005-PA-0007; FRL-7917-5]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Partial Withdrawal of Direct Final Rule**

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

**ACTION:** Partial withdrawal of direct final rule.

**SUMMARY:** Due to an adverse comment, EPA is withdrawing a paragraph that was included as part of a direct final rule to approve reasonable available control technology (RACT) to limit nitrogen oxides (NO<sub>x</sub>) emissions from fifteen individual sources located in Pennsylvania. In the direct final rule published on March 31, 2005 (70 FR 16423), we stated that if we received adverse comments by May 2, 2005, the rule would be withdrawn and would not take effect. EPA subsequently received an adverse comment on one provision of that direct final rule and is withdrawing that provision. EPA will address the comment received in a subsequent final action based upon the proposed action also published on March 31, 2005 (70 FR 16471). EPA will

not institute a second comment period on this action.

**DATES:** The addition of the entry for Koppers Industry, Inc. in 40 CFR 52.2020(d)(1) published at 70 FR 16426 is withdrawn as of May 26, 2005.

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

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule located in the Rules and Regulations section of the March 31, 2005, **Federal Register** (70 FR 16423). EPA received adverse comments only for one source, namely, Koppers Industries, Inc. located in Lycoming County, PA. The other actions in the March 31, 2005, **Federal Register** are not affected.

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

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

Dated: May 16, 2005.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

Accordingly, the addition of the entry of Koppers Industry, Inc. in 40 CFR 52.2020(d)(1) published at 70 FR 16426 is withdrawn as of May 26, 2005.

[FR Doc. 05-10513 Filed 5-25-05; 8:45 am]

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

[R03-OAR-2005-PA-0006; FRL-7917-4]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Withdrawal of Direct Final Rule**

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to an adverse comment, EPA is withdrawing the direct final rule to approve reasonable available control technology (RACT) to limit volatile organic compound (VOC) emissions from three individual sources located in Pennsylvania. In the direct final rule published on April 1, 2005 (70 FR 16717), we stated that if we received adverse comment by May 2, 2005, the rule would be withdrawn and not take effect. EPA subsequently received an adverse comment on April 1, 2005. EPA