

EPA-APPROVED IDAHO REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanations
Idaho Administrative Procedures Act (IDAPA) Chapter 58, Rules for Control of Air Pollution in Idaho, Previously Codified at IDAPA Chapter 39 (Appendix A.3)				
58.01.01—RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO				
006	General Definitions	4/5/00, 3/20/97, 5/1/95, 5/1/94	01/16/03, 68 FR 2217 10/6/ 05 [Insert page number where the document be- gins].	Except (84)(f)

[FR Doc. 05–19615 Filed 10–5–05; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R03–OAR–2004–PA–0001, R03–OAR–2004–PA–0002; FRL–7980–5]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to the Motor Vehicle Enhanced I/M Program—Philadelphia, Pittsburgh, South Central, and Northern Regions and Safety Inspection Program Enhancements for Non-I/M Regions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving several State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania. These revisions amend Pennsylvania's existing, Federally-approved enhanced vehicle inspection and maintenance program (or I/M program) SIP. EPA is herein taking a single final rulemaking action to finalize two separately issued proposed rulemakings on the subject of Pennsylvania's I/M program. The intended effect of this combined final action is to approve the Commonwealth's revised I/M program SIP for the Philadelphia, Pittsburgh, South Central and Northern Regions. This action also serves to incorporate into the SIP a visual emission component inspection program done under the Commonwealth's annual safety inspection program in those 42 counties of Pennsylvania not subject to Federal I/M program requirements.

DATES: This final rule is effective on November 7, 2005.

ADDRESSES: EPA has established two dockets for this action under Regional Material in E-Docket (RME) ID Number R03–OAR–2004–PA–0001 and Number R03–OAR–2004–PA–0002. All documents in the docket are listed in the RME index at <http://www.docket.epa.gov/rmepub/>. Once in the system, select Aquick search," then key in the appropriate RME identification number for each docket. Although listed in the electronic docket, some information is not publicly available, *i.e.*, confidential business information (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 for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Brian Rehn, at (215) 814–2176, or by e-mail at rehn.brian@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

EPA published two concurrent notices of proposed rulemaking (NPR) on April 26, 2005 proposing to approve two separate SIP revisions submitted by the Commonwealth of Pennsylvania. One of these April 26, 2005 NPRs (70 FR 21384) proposed approval of the Commonwealth's revised motor vehicle enhanced I/M program as it applies to select geographic regions of Pennsylvania. Pennsylvania regions

affected by that rulemaking action include the South Central Region (Berks, Cumberland, Dauphin, Lancaster, Lebanon, Lehigh, Northampton, and York Counties) and the Northern Region (Blair, Cambria, Centre, Lackawanna, Luzerne, Lycoming, and Mercer Counties). EPA also proposed to approve portions of Pennsylvania's revised safety inspection program (for areas not subject to Federal enhanced I/M requirements) related to visual inspection of certain vehicle components that serve to reduce emissions. This emission component visual inspection element of the state safety inspection program is a new requirement for 42 Pennsylvania counties (see EPA's NPR for the complete list of affected counties). The Commonwealth's formal SIP revision, which was the subject of this notice, was submitted by Pennsylvania on December 1, 2003, and was revised via a technical SIP amendment submitted by Pennsylvania on April 29, 2004.

In the second of April 26, 2005 (70 FR 21380) rulemaking actions regarding Pennsylvania's I/M, EPA proposed approval of the revised enhanced I/M programs applicable in the Pittsburgh Region (Allegheny, Beaver, Washington, and Westmoreland Counties) and the Philadelphia Region (Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties). The Commonwealth submitted a formal SIP revision on January 30, 2004 applicable only to these two Regions. This SIP revision was also revised by Pennsylvania via a technical SIP amendment submitted to EPA on April 29, 2004.

II. Summary of SIP Revision

EPA granted prior SIP approval to Pennsylvania's previously adopted I/M SIP in June 1999. Pennsylvania submitted formal SIP revisions to amend that SIP-approved I/M program

program on December 1, 2003 (as revised April 29, 2004) and January 30, 2004 (as revised April 29, 2004). Hereafter, we will refer to these SIP revisions as the December 2003 and the January 2004 SIPs, respectively.

These SIP revisions, when viewed together, requested incorporation of newly state-adopted provisions effecting the Pittsburgh, Philadelphia, South Central, and Northern I/M program regions of Pennsylvania. These Pennsylvania counties are required to implement enhanced I/M under authority of Sections 182 and 184 of the Clean Air Act.

The December 2003 SIP revision serves to amend Pennsylvania's I/M program applicable to the South Central and Northern Regions by replacing a previously SIP-approved tailpipe test requirement for the South Central Region with on-board diagnostic testing of 1996 and newer subject vehicles, coupled with gas cap testing on all 1975 and newer subject vehicles, and visual emission component inspection of pre-1996 vehicles. For the Northern Region, the Commonwealth's December 2003 SIP revision requires visual component inspections and gas cap testing on 1975 and newer vehicles. This SIP revision also adds visual emission component inspections to the Commonwealth's existing, annual safety inspection program as it applies in those regions of Pennsylvania not subject to I/M emissions testing under authority of the Clean Air Act (i.e., the non-I/M Region).

The Commonwealth's January 2004 SIP revision revises the I/M program for the Philadelphia and Pittsburgh Regions. Changes to the prior SIP-approved I/M program affecting these regions include addition of on-board diagnostic (or OBD) computer checks for 1996 and newer vehicles and revision of the I/M test regimen to phase out tailpipe testing on pre-1996 vehicles when those vehicles reach 25 years of age. The January 2004 SIP revision overlaps the December 2003 SIP in some regards, including incorporation of some of the same state regulatory provision (i.e., minor updates to the regulations made since the enhanced I/M program's inception in 1997) that are overarching in scope to all geographic areas to the Commonwealth.

For more detail on the substance of the changes to Pennsylvania's annual enhanced I/M and safety inspection programs, and the rationale for EPA's proposed actions, please refer to the two concurrently published EPA proposed rulemaking actions in the April 26, 2005 **Federal Register**, as that information is not be restated here in its entirety. No

public comments were received on these two proposed rulemaking actions.

III. Final Action

EPA is approving Pennsylvania's enhanced I/M program SIP revisions submitted on December 2003 and January 2004 (as amended April 2005) as a single revision to the Pennsylvania SIP. While EPA took two separate, concurrent proposed rulemaking actions on these two SIP revisions on April 26, 2004, we have decided to take a single, combined final rulemaking action to approve them. The rationale for this decision is that both the December 2003 and the January 2004 SIP revisions contain portions of the same Pennsylvania emission inspection program regulation, which was published in the *Pennsylvania Bulletin* on November 22, 2003 (67 Pa Code Chapter 177). Pennsylvania initially submitted redacted portions of the same regulation as part of each separate SIP revision (submitted November 2003 and January 2004 SIP). Pennsylvania redacted those regulatory provisions not relevant to the geographic areas that were the subject of each SIP revision. Pennsylvania later amended each of the SIP revisions (via the April 29, 2004 technical correction SIP revision) to submit the entire, revised emission program regulation (67 Pa Code Chapter 177) as part of both SIP revisions. Since EPA received no adverse comments on our concurrent proposed rulemaking actions taken upon the December 2003 and the January 2004 SIP revisions, and in order to simplify incorporation by reference of Pennsylvania's emission program regulations into the Federal SIP, we are moving to take this single, combined final rulemaking action for these SIP revisions.

IV. Statutory and Executive Order Reviews

A. General Requirements

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 requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. 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 is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. 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.*).

B. Submission to Congress and the Comptroller General

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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action to approve Pennsylvania's revised motor vehicle inspection and maintenance program must be filed in

the United States Court of Appeals for the appropriate circuit by December 5, 2005. 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 27, 2005.

Donald S. Welsh,

Regional Administrator, Region III.

■ 40 CFR part 52 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 NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (c)(1) is amended by revising the entries for Title 67, Chapters 175 and 177 to read as follows:

Subpart NN—Pennsylvania

§ 52.2020 Identification of plan.

*	*	*	*	*
(c)	*	*	*	
(1)	*	*	*	

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
*	*	*	*	*

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article VII. Vehicle Characteristics

Chapter 175 Vehicle Equipment and Inspection

Subchapter A. General Provisions

175.2	Definitions	9/27/97	6/17/99, 64 FR 32411	"Temporary Inspection Approval Indicator" only.
175.2	Definitions	12/3/88	10/6/05 [Insert page number where the document begins]	Definitions which apply to safety inspection program in non-I/M counties.
175.3	Application of equipment rules.	12/3/88	10/6/05 [Insert page number where the document begins]	Applies to safety inspection program in non-I/M counties.
175.4	Vehicles required to be inspected.	12/3/88	10/6/05 [Insert page number where the document begins]	Applies to safety inspection program in non-I/M counties.
175.6	Annual inspection	12/3/88	10/6/05 [Insert page number where the document begins]	Applies to safety inspection program in non-I/M counties.
175.7	Inspection of vehicle reentering this Commonwealth.	12/3/88	10/6/05 [Insert page number where the document begins]	Applies to safety inspection program in non-I/M counties.
175.8	Newly purchased vehicles	2/19/94	10/6/05 [Insert page number where the document begins]	Applies to safety inspection program in non-I/M counties.
175.11	Coordination of safety and emission inspection.	9/27/97	6/17/99, 64 FR 32411	(c)(139)

Subchapter B. Official Inspection Stations

175.21	Appointment	12/3/88	10/6/05 [Insert page number where the document begins]	Applies to safety inspection program in non-I/M counties.
175.22	Making application	12/3/88	10/6/05 [Insert page number where the document begins]	Applies to safety inspection program in non-I/M counties.
175.23(a) and (c)	Approval	12/3/88	10/6/05 [Insert page number where the document begins]	Applies to safety inspection program in non-I/M counties.

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
175.24	Required certificates and station signs.	12/3/88	10/6/05 [Insert page number where the document begins]	Applies to safety inspection program in non-I/M counties.
175.25(a), (b)(1), (b)(3), and (c).	Inspection area	12/3/88	10/6/05 [Insert page number where the document begins]	Applies to safety inspection program in non-I/M counties.
175.26(a) introductory sentence and (a)(3).	Tools and equipment	9/28/96	10/6/05 [Insert page number where the document begins]	Applies to safety inspection program in non-I/M counties.
175.27	Hours	12/3/88	10/6/05 [Insert page number where the document begins]	Applies to safety inspection program in non-I/M counties.
175.28 [Except for (c)(2), (g)(2), (g)(3), and (g)(5)–(9)].	Certified Inspection Mechanics.	12/3/88	10/6/05 [Insert page number where the document begins]	Applies to safety inspection program in non-I/M counties.
175.29	Obligations and responsibilities of stations.	9/27/97	10/6/05 [Insert page number where the document begins]	Applies to safety inspection program in non-I/M counties (except for (f)(4), which applies to I/M and non-I/M programs).
175.31	Fleet inspection stations	12/3/88	10/6/05 [Insert page number where the document begins]	Applies to safety inspection program in non-I/M counties.
Subchapter C. Certificate of Inspection				
175.41(a), (b)(1), (b)(3), (c), (d), (e)(1), (e)(3), (e)(5), and (f)(4).	Procedure	9/27/97	10/6/05 [Insert page number where the document begins]	Applies statewide (to I/M program and non-I/M safety inspection program).
175.42	Recording inspection	9/27/97	6/17/99, 64 FR 32411	
175.43	Security	9/27/97	6/17/99, 64 FR 32411	
175.44	Ordering certificates of inspection.	9/27/97	6/17/99, 64 FR 32411	
175.45	Violation of use of certificate of inspection.	9/27/97	6/17/99, 64 FR 32411	
Subchapter D. Schedule of Penalties and Suspensions: Official Inspection Stations and Certified Mechanics				
175.51	Cause for suspension	2/19/94	10/6/05 [Insert page number where the document begins]	New section; Applies to safety inspection program in non-I/M counties.
175.52	Reapplication	12/3/88	10/6/05 [Insert page number where the document begins]	New section; Applies to safety inspection program in non-I/M counties.
Subchapter E. Passenger Cars and Light Trucks				
175.61	Application of subchapter	12/3/88	10/6/05 [Insert page number where the document begins]	New section: Applies to safety inspection program in non-I/M counties.
175.72(d)	Fuel system	12/3/88	10/6/05 [Insert page number where the document begins]	New section; Applies to safety inspection program in non-I/M counties.
175.80(d)	Inspection procedure	5/13/99	10/6/05 [Insert page number where the document begins]	New section; Applies to safety inspection program in non-I/M counties.
Subchapter H. Motorcycles				
175.141	Application of subchapter	12/3/88	10/6/05 [Insert page number where the document begins]	New section; Applies to safety inspection program in non-I/M counties.
Subchapter J. Motor-Driven Cycles and Motorized Pedalcycles				
175.171	Application	12/3/88	10/6/05 [Insert page number where the document begins]	New section; Applies to safety inspection program in non-I/M counties.

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
Subchapter K. Street Rods, Specially Constructed and Reconstructed Vehicles				
175.201	Application of subchapter	12/3/88	10/6/05 [Insert page number where the document begins]	New section; Applies to safety inspection program in non-I/M counties.
175.202	Conditions	12/3/88	10/6/05 [Insert page number where the document begins]	Applies to safety inspection program in non-I/M counties.
175.220(d) [introductory sentence only].	Inspection procedure	5/13/99	10/6/05 [Insert page number where the document begins]	Applies to safety inspection program in non-I/M counties.
Subchapter L. Animal-Drawn Vehicles, Implements of Husbandry and Special Mobile Equipment				
175.221	Application	12/3/88	10/6/05 [Insert page number where the document begins]	
Chapter 177 Enhanced Emission Inspection Program				
Subchapter A. General Provisions				
177.1	Purpose	10/1/97	6/17/99, 64 FR 32411	(c)(139)
177.2	Application of equipment rules.	10/1/97	6/17/99, 64 FR 32411	(c)(139)
177.3	Definitions	11/22/03	10/6/05 [Insert page number where the document begins]	
Implementation of Emission Inspection Program				
177.22	Commencement of inspections.	11/22/03	10/6/05 [Insert page number where the document begins]	Retitled and revised.
177.23	Notification of requirement for emission inspection.	11/22/03	10/6/05 [Insert page number where the document begins]	
177.24	Program evaluation	11/22/03	10/6/05 [Insert page number where the document begins]	
I/M Program				
177.51	Program requirements	11/22/03	10/6/05 [Insert page number where the document begins]	Excludes paragraphs (c)(1), (c)(2), and (c)(3), and reference to those paragraphs.
177.52	Emission inspection prerequisites.	11/22/03	10/6/05 [Insert page number where the document begins]	
177.53	Vehicle inspection process	11/22/03	10/6/05 [Insert page number where the document begins]	
Subchapter B. Subject Vehicles				
177.101	Subject vehicles	11/22/03	10/6/05 [Insert page number where the document begins]	
177.102	Inspection of vehicles reentering this Commonwealth.	9/27/97	6/17/99, 64 FR 32411	(c)(139)
177.103	Used vehicles after sale or resale.	9/27/97	6/17/99, 64 FR 32411	(c)(139)
177.104	Vehicles registered in non-designated areas or other states.	9/27/97	6/17/99, 64 FR 32411	(c)(139)
177.105	Vehicles requiring mission inspection due to change of address.	11/22/03	10/6/05 [Insert page number where the document begins]	

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Subchapter C. Emission Test Procedures and Emission Standards				
General				
177.201	General requirements	11/22/03	10/6/05 [Insert page number where the document begins]	
177.202	Emission test equipment	11/22/03	10/6/05 [Insert page number where the document begins]	
177.202a	OBD—I/M check equipment	11/22/03	10/6/05 [Insert page number where the document begins]	New section.
177.202b	Equipment for gas cap test and visual inspection.	11/22/03	10/6/05 [Insert page number where the document begins]	New section.
177.203	Test procedures	11/22/03	10/6/05 [Insert page number where the document begins]	
177.204	Basis for failure	11/22/03	10/6/05 [Insert page number where the document begins]	Retitled and revised.
Recall Provisions				
177.231	Requirements regarding manufacturer recall notices.	9/27/97	6/17/99, 64 FR 32411	(c)(139)
177.232	Compliance with recall notices.	9/27/97	6/17/99, 64 FR 32411	(c)(139)
177.233	Failure to comply	9/27/97	6/17/99, 64 FR 32411	(c)(139)
Emission Inspection Report				
177.251	Record of test results	9/27/97	6/17/99, 64 FR 32411	(c)(139)
177.252	Emission inspection report	11/22/03	10/6/05 [Insert page number where the document begins]	Retitled and revised.
177.253	Responsibility of the station owner for vehicles which fail the emission inspection.	11/22/03	10/6/05, [Insert page number where the document begins]	Retitled and revised.
Retest				
177.271	Procedure	11/22/03	10/6/05 [Insert page number where the document begins]	
177.272	Prerequisites	11/22/03	10/6/05 [Insert page number where the document begins]	
177.273	Content of repair data form ...	11/22/03	10/6/05 [Insert page number where the document begins]	
177.274	Retest fees	11/22/03	10/6/05 [Insert page number where the document begins]	
177.275	Repair technician training and certification.	11/22/03	10/6/05	New section.
Issuance of Waiver				
177.281	Issuance of waiver	11/22/03	10/6/05 [Insert page number where the document begins]	
177.282	Annual adjustment of minimum waiver expenditure for emission inspection.	11/22/03	10/6/05 [Insert page number where the document begins]	Excludes/removes the sentence and partial sentence, "The minimum expenditure for the first 2 years after commencement of the program in an affected area is \$150. Beginning with the 3rd year of the program in an affected area".

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
Procedures Relating to Certificates of Emission Inspection				
177.291	Procedures relating to certificates of emission inspection.	11/22/03	10/6/05 [Insert page number where the document begins]	Retitled and revised.
177.292	Recording inspection	11/22/03	10/6/05 [Insert page number where the document begins]	
On-Road Testing				
177.301	Authorization to conduct on-road emission testing.	9/27/97	6/17/99, 64 FR 32411	(c)(139)
177.302	On-road testing devices	9/27/97	6/17/99, 64 FR 32411	(c)(139)
177.304	Failure of on-road emission test.	11/22/03	10/6/05 [Insert page number where the document begins]	
177.305	Failure to produce proof of correction of on-road emission test failure.	9/27/97	6/17/99, 64 FR 32411	(c)(139)
Subchapter D. Official Emission Inspection Station Requirements General				
177.401	Appointment	11/22/03	10/6/05 [Insert page number where the document begins]	
177.402	Application	9/27/97	6/17/99, 64 FR 32411	(c)(139)
177.403	Approval of emission inspection station.	9/27/97	6/17/99, 64 FR 32411	(c)(139)
177.404	Required certificates and station signs.	11/22/03	10/6/05 [Insert page number where the document begins]	
177.405	Emission inspection areas	11/22/03	10/6/05 [Insert page number where the document begins]	
177.406	Equipment	11/22/03	10/6/05 [Insert page number where the document begins]	Retitled and revised.
177.407	Hours of operation	11/22/03	10/6/05 [Insert page number where the document begins]	
177.408	Certified emission inspectors	11/22/03	10/6/05 [Insert page number where the document begins]	
Obligations and Responsibilities of Station Owners/Agents				
177.421	Obligations and responsibilities of station owners/agents.	11/22/03	10/6/05 [Insert page number where the document begins]	
177.422	Commonwealth emission inspection stations.	11/22/03	10/6/05 [Insert page number where the document begins]	Retitled and revised.
177.423	Fleet emission inspection stations.	11/22/03	10/6/05 [Insert page number where the document begins]	Retitled and revised.
177.424	General emission inspection stations.	11/22/03	10/6/05 [Insert page number where the document begins]	
177.425	Security	11/22/03	10/6/05 [Insert page number where the document begins]	
177.426	Ordering certificates of emission inspection.	9/27/97	6/17/99, 64 FR 32411	(c)(139)
177.427	Violations of use of certificate of emission inspection.	9/27/97	6/17/99, 64 FR 32411	(c)(139)

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Quality Assurance				
177.431	Quality assurance	11/22/03	10/6/05 [Insert page number where the document begins]	
Subchapter E. Equipment Manufacturers' and Contractors' Requirements and Obligations				
Equipment Manufacturers' Requirements				
177.501	Equipment approval procedures.	11/22/03	10/6/05 [Insert page number where the document begins]	
177.502	Service commitment	11/22/03	10/6/05 [Insert page number where the document begins]	
177.503	Performance commitment	11/22/03	10/6/05 [Insert page number where the document begins]	
177.504	Revocation of approval	9/27/97	6/17/99, 64 FR 32411	(c)(139)
Contractor Obligations				
177.521	Contractor obligations and responsibilities.	11/22/03 [10/6/05 [Insert page number where the document begins]	
Subchapter F. Schedule of Penalties and Hearing Procedure				
Schedule of Penalties and Suspensions				
177.601	Definitions	11/22/03	10/6/05 [Insert page number where the document begins]	New section.
177.602	Schedule of penalties for emission inspection stations.	11/22/03	10/6/05 [Insert page number where the document begins]	
177.603	Schedule of penalties for emission inspectors.	11/22/03	10/6/05 [Insert page number where the document begins]	
Additional Violations				
177.605	Subsequent violations	11/22/03	10/6/05 [Insert page number where the document begins]	
177.606	Multiple violations	9/27/97	6/17/99, 64 FR 32411	(c)(139)
Departmental Hearing Procedure				
177.651	Notice of alleged violation and opportunity to be heard prior to immediate suspension.	11/22/03	10/6/05 [Insert page number where the document begins]	Retitled and revised.
177.652	Official documents	09/27/97	6/17/99, 64 FR 32411	(c)(139)
Restoration After Suspension				
177.671	Restoration of certification of an emission inspector after suspension.	9/27/97	6/17/99, 64 FR 32411	(c)(139)
177.672	Restoration of certification of an emission inspection station after suspension.	9/27/97	6/17/99, 64 FR 32411	(c)(139)
177.673	Restoration of certification of certified repair technician after suspension.	9/27/97	6/17/99, 64 FR 32411	(c)(139)
Registration Recall Procedure for Violation of §§ 177.301–177.305 (Relating to On-Road Resting)				
177.691	Registration Recall Committee.	11/22/03	10/6/05 [Insert page number where the document begins]	

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]

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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**.