

EPA-APPROVED MISSOURI REGULATIONS—Continued

| Missouri citation | Title                                    | State effective date | EPA approval date   | Explanation  |
|-------------------|--|----------------------|---|--|
| 10-6.020          | Definitions and Common Reference Tables. | 10/30/2003           | 07/11/06 [insert FR page number where the document begins]. |  |
| 10-6.060          | Construction Permits Required.           | 10/30/2003           | 07/11/06 [insert FR page number where the document begins]. | We are conditionally approving references to 10 CSR 10-6.062 contained in the last sentence of Section (1)(B) and all of section (1)(D). |
| 10-6.061          | Construction Permit Exemptions.          | 10/30/2003           | 07/11/06 [insert FR page number where the document begins]. | Section (3)(A)2.D. is not included in the SIP.   |
| 10-6.062          | Construction Permits By Rule.            | 10/30/2003           | 07/11/06 [insert FR page number where the document begins]. | We are conditionally approving this rule except for Section (3)(B)4., which is not included in 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 (r) under Missouri to read as follows:

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

\* \* \* \* \*

Missouri

\* \* \* \* \*

(r) The Missouri Department of Natural Resources submitted revisions to Missouri rule 10 CSR 10-6.020, "Definitions and Common Reference Tables," on June 30, 2004, approval effective August 10, 2006.

\* \* \* \* \*

[FR Doc. 06-6092 Filed 7-10-06; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 81**

[EPA-R03-OAR-2005-0548; FRL-8191-9]

**Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Charleston Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a redesignation request and a State Implementation Plan (SIP) revision submitted by the State of West Virginia. The West Virginia Department of Environmental Protection (WVDEP) is requesting that the Charleston area be redesignated as attainment for the 8-hour ozone national ambient air quality standard (NAAQS). In conjunction with its redesignation request, the State submitted a SIP revision consisting of a maintenance plan for the Charleston area that provides for continued attainment of the 8-hour ozone NAAQS for the next 12 years, until 2018. Concurrently, EPA is approving the maintenance plan as meeting the requirements of Clean Air Act (CAA) 175A(b) with respect to the 1-hour ozone maintenance plan update. EPA is also approving the adequacy determination for the motor vehicle emission budgets (MVEBs) that are identified in the 8-hour maintenance plan for the Charleston area for

purposes of transportation conformity, and is approving those MVEBs. EPA is approving the redesignation request and the maintenance plan revision to the West Virginia SIP in accordance with the requirements of the CAA.

**EFFECTIVE DATE:** This final rule is effective on August 10, 2006.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2005-0548. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) Web Site. 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 through [www.regulations.gov](http://www.regulations.gov) 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 West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street, SE., Charleston, WV 25304.

**FOR FURTHER INFORMATION CONTACT:** Amy Caprio, (215) 814-2156, or by e-mail at [caprio.amy@epa.gov](mailto:caprio.amy@epa.gov).

**SUPPLEMENTARY INFORMATION:**



## I. Background

On May 4, 2006 (71 FR 26299), EPA published a notice of proposed rulemaking (NPR) for the State of West Virginia. The NPR proposed approval of West Virginia's redesignation request and a SIP revision that establishes a maintenance plan for the Charleston area that sets forth how the Charleston area will maintain attainment of the 8-hour ozone NAAQS for the next 12 years. The formal SIP revision was submitted by the WVDEP on November 30, 2005. Other specific requirements of West Virginia's redesignation request SIP revision for the maintenance plan and the rationale for EPA's proposed action are explained in the NPR and will not be restated here.

On May 23, 2006, EPA received a comment, from the West Virginia Division of Highways, in support of the redesignation of the Charleston area. However, errata were found on pages 26302, 26307, and 26309 of the NPR. On page 26302 (Table 1) and page 26309 (Table 7), an error occurred in the use of significant digits for the 2018 MVEBs. The correct MVEB for NO<sub>x</sub> should read 8.2 tons per day (tpd) instead of 8.20 tpd. The correct MVEB for VOCs should read 7.2 tpd instead of 7.20 tpd. On page 26307 in the first column, there was an error in reference to West Virginia state regulation, 45CSR3. The correct regulation referenced should read 45CSR39. Lastly, on page 26309 in the second column, there was an incorrect reference to the Virginia Department of Environmental Quality (VADEQ). The correct reference should read the West Virginia Department of Environmental Protection (WVDEP).

## II. Final Action

EPA is approving the State of West Virginia's November 30, 2005 redesignation request and maintenance plan because the requirements for approval have been satisfied. EPA has evaluated West Virginia's redesignation request, submitted on November 30, 2005, and determined that it meets the redesignation criteria set forth in section 107(d)(3)(E) of the CAA. EPA believes that the redesignation request and monitoring data demonstrate that the Charleston area has attained the 8-hour ozone standard. The final approval of this redesignation request will change the designation of the Charleston area from nonattainment to attainment for the 8-hour ozone standard. EPA is approving the associated maintenance plan for this area, submitted on November 30, 2005, as a revision to the West Virginia SIP. EPA is approving the maintenance plan for the Charleston

area because it meets the requirements of section 175A and 175A(b) with respect to the 1-hour ozone maintenance plan update. EPA is also approving the MVEBs submitted by West Virginia for this area in conjunction with its redesignation request. The Charleston area is subject to the CAA's requirements for basic ozone nonattainment areas until and unless it is redesignated to attainment.

## IV. Statutory and Executive Order Reviews

### A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this final 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 approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Redesignation of an area to attainment under section 107(d)(3)(e) of the Clean Air Act does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on sources. Accordingly, the Administrator certifies that this final 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 (Public Law 104-4). This final rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it affects the

status of a geographical area, does not impose any new requirements on sources, or allow the state to avoid adopting or implementing other requirements, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This final rule also is not subject to Executive Order 13045 (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. Redesignation is an action that affects the status of a geographical area and does not impose any new requirements on sources. 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. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this final rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order.

### 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 must be filed in the United States Court of Appeals for the appropriate circuit by September 11, 2006. 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, to approve the redesignation request, maintenance plan and adequacy determination for MVEBs for the Charleston area, 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, Intergovernmental relations, Ozone, Nitrogen dioxides, Reporting and recordkeeping requirements, Volatile organic compounds.

**40 CFR Part 81**

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: June 22, 2006.

**William T. Wisniewski,**  
*Acting Regional Administrator, Region III.*

■ 40 CFR parts 52 and 81 are 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 XX—West Virginia**

■ 2. In § 52.2520, the table in paragraph (e) is amended by adding an entry for the 8-Hour Ozone Maintenance Plan, Charleston, WV Area at the end of the table to read as follows:

**§ 52.2520 Identification of plan.**

\* \* \* \* \*

(e) \* \* \*

| Name of non-regulatory SIP-revision                        | Applicable geographic area                     | State submittal date | EPA approval date  | Additional explanation   |
|--|--|----------------------|--|--|
| 8-Hour Ozone Maintenance Plan for the Charleston, WV Area. | Charleston Area (Kanawha and Putnam Counties). | 11/30/05             | 07/11/06 [Insert page number where the document begins]. | Action includes approval of the following motor vehicle emission budgets (MVEB): 8.2 tons per day (tpd) for NO <sub>x</sub> and 7.2 tpd for VOC. |

**PART 81—[AMENDED]**

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

**§ 81.349 West Virginia.**

■ 1. The authority citation for Part 81 continues to read as follows:

■ 2. Section 81.349 is amended by revising the ozone table entry for the Charleston, WV Area to read as follows:

**WEST VIRGINIA—OZONE**  
[8-hour standard]

| Designated area      | Designation <sup>a</sup> |             | Category/classification |      |
|----------------------|--------------------------|-------------|-------------------------|------|
|                      | Date <sup>1</sup>        | Type        | Date <sup>1</sup>       | Type |
| Charleston, WV Area: |                          |             |                         |      |
| Kanawha County ..... | 07/11/06                 | Attainment. |                         |      |
| Putnam County .....  | 07/11/06                 | Attainment. |                         |      |

<sup>a</sup> Includes Indian country located in each county or area except otherwise noted.

<sup>1</sup> This date is June 15, 2004, unless otherwise noted.



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BILLING CODE 6560-50-P

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 208, 225, 252, 253, and Chapter 2

[DFARS Case 2003-D072]

#### Defense Federal Acquisition Regulation Supplement; Required Sources of Supply

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text addressing acquisitions made through Government supply sources. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

**DATES:** *Effective Date:* July 11, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ms. Robin Schulze, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0326; facsimile (703) 602-0350. Please cite DFARS Case 2003-D072.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at <http://www.acq.osd.mil/dpap/dars/dfars/transformation/index.htm>.

This final rule is a result of the DFARS Transformation initiative. The DFARS changes—

○ Delete informational text on GSA Federal Supply Schedules that is unnecessary for inclusion in the DFARS;

○ Delete text on the Defense National Stockpile and the acquisition of helium. These issues are adequately addressed in the Federal Acquisition Regulation at 8.003 and Subpart 8.5;

○ Delete obsolete text on the DoD Industrial Preparedness Production Planning Program. There is no longer a DoD-wide Program; and

○ Delete procedures for ordering from central nonprofit agencies; for acquisition of items under the DoD Coordinated Acquisition Program; for contracting or performing field service functions for NASA; for use of the DoD Precious Metals Recovery Program; and for use of enterprise software agreements for acquiring commercial software and related services. Text on these subjects has been relocated to the DFARS companion resource, Procedures, Guidance, and Information (PGI), available at <http://www.acq.osd.mil/dpap/dars/pgi>.

DoD published a proposed rule at 70 FR 73187 on December 9, 2005. One source submitted comments on the proposed rule. That source recommended establishment of separate Federal supply class (FSC) commodity codes for Americans with Disabilities Act (ADA) and Occupational Safety and Health Administration (OSHA) compliant products, to distinguish the ADA or OSHA compliant products from similar products that are not ADA or OSHA compliant (e.g., ramps, landings, steps, decks). Although DoD includes certain FSC commodity codes in its publications, the codes are established and maintained by the General Services Administration (GSA). Therefore, DoD has forwarded the respondent's recommendation to GSA for consideration. DoD has adopted the proposed rule as a final rule, with an additional change at DFARS 225.7005-1 to remove a reference to DFARS Subpart 208.72, which has been eliminated by this rule.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

##### B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule deletes obsolete, unnecessary, or procedural DFARS text, but makes no significant change to DoD contracting policy.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

#### List of Subjects in 48 CFR Parts 208, 225, 252, and 253

Government procurement.

Michele P. Peterson,  
*Editor, Defense Acquisition Regulations System.*

■ Therefore, 48 CFR parts 208, 225, 252, and 253 and Appendix B to Chapter 2 are amended as follows:

■ 1. The authority citation for 48 CFR parts 208, 225, 252, and 253 and Appendix B to subchapter I continues to read as follows:

*Authority:* 41 U.S.C. 421 and 48 CFR Chapter 1.

#### PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

■ 2. Section 208.002 is revised to read as follows:

##### 208.002 Priorities for use of Government supply sources.

(a)(1)(v) See Subpart 208.70, Coordinated Acquisition, and Subpart 208.74, Enterprise Software Agreements.

##### 208.003 [Removed]

■ 3. Section 208.003 is removed.

■ 4. Section 208.705 is revised to read as follows:

##### 208.705 Procedures.

Follow the procedures at PGI 208.705 when placing orders with central nonprofit agencies.

##### 208.7000 [Amended]

■ 5. Section 208.7000 is amended in paragraph (a), in the parenthetical, by removing "appendix B" and adding in its place "PGI 208.7006".

■ 6. Sections 208.7002-1 and 208.7002-2 are revised to read as follows:

##### 208.7002-1 Acquiring department responsibilities.

See PGI 208.7002-1 for the acquiring department's responsibilities.

##### 208.7002-2 Requiring department responsibilities.

See PGI 208.7002-2 for the requiring department's responsibilities.

■ 7. Section 208.7003-1 is amended by revising paragraph (a) introductory text and paragraph (b) to read as follows: