

- a. by redesignating paragraphs (j) and (k) as paragraphs (k) and (l), respectively, and
  - b. by adding a new paragraph (j).
- The revisions and additions to § 201.17 reads as follows:

**§ 201.17 Statements of Account covering compulsory licenses for secondary transmissions by cable systems.**

\* \* \* \* \*

(j) *Copies of statements of account.* A licensee shall file an original and one copy of the statement of account with the Licensing Division of the Copyright Office.

\* \* \* \* \*

■ 4. Section 201.28 is amended as follows:

- a. by redesignating paragraphs (g) through (k) as paragraphs (h) through (l), respectively, and

- b. by adding a new paragraph (g).

The revisions and additions to § 201.28 reads as follows:

**§ 201.28 Statements of Account for digital audio recording devices and media.**

\* \* \* \* \*

(g) *Copies of statements of account.* A licensee shall file an original and one copy of the statement of account with the Licensing Division of the Copyright Office.

\* \* \* \* \*

Dated: May 18, 2005

Marybeth Peters,

Register of Copyrights.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 05-10552 Filed 5-25-05; 8:45 am]

BILLING CODE 1410-30-S

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[R01-OAR-2004-ME-0005; A-1-FRL-7913-3]

**Approval and Promulgation of Air Quality Implementation Plans; Maine; VOC Regulations**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving two State Implementation Plan (SIP) revisions submitted by the State of Maine. These revisions establish requirements to reduce volatile organic compound (VOC) emissions from mobile equipment repair and refinishing, and solvent cleaning operations. The intended effect of this action is to

approve these requirements into the Maine SIP. EPA is taking this action in accordance with the Clean Air Act (CAA).

**DATES:** This direct final rule will be effective July 25, 2005, unless EPA receives adverse comments by June 27, 2005. If adverse comments are 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 Regional Material in EDocket (RME) ID Number R01-OAR-2004-ME-0005 by one of the following methods:

1. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

2. Agency Web site: <http://docket.epa.gov/rmepub/> Regional Material in EDocket (RME), EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Once in the system, select "quick search," then key in the appropriate RME Docket identification number. Follow the on-line instructions for submitting comments.

3. E-mail: [conroy.dave@epa.gov](mailto:conroy.dave@epa.gov).

4. Fax: (617) 918-0661.

5. Mail: "RME ID Number R01-OAR-2004-ME-0005," David Conroy, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (mail code CAQ), Boston, MA 02114-2023.

6. Hand Delivery or Courier. Deliver your comments to: David Conroy, Unit Manager, Air Quality Planning, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, 11th floor, (CAQ), Boston, MA 02114-2023. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

**Instructions:** Direct your comments to Regional Material in EDocket (RME) ID Number R01-OAR-2004-ME-0005. 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://docket.epa.gov/rmepub/>, 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 information that you

consider to be CBI or otherwise protected through Regional Material in EDocket (RME), [regulations.gov](http://regulations.gov), or e-mail. The EPA RME Web site and the federal [regulations.gov](http://regulations.gov) Web site are "anonymous access" systems, 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 RME or [regulations.gov](http://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 Regional Material in EDocket (RME) index at <http://docket.epa.gov/rmepub/>. 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 RME or in hard copy at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Anne Arnold, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (CAQ), Boston, MA 02114-2023, (617) 918-1047, [arnold.anne@epa.gov](mailto:arnold.anne@epa.gov).

**SUPPLEMENTARY INFORMATION:**

## I. General Information

### A. How Can I Get Copies of This Document and Other Related Information?

In addition to the publicly available docket materials available for inspection electronically in Regional Material in EDocket, and the hard copy available at the Regional Office, which are identified in the **ADDRESSES** section above, copies of the state submittal and EPA's technical support document are also available for public inspection during normal business hours, by appointment at the Bureau of Air Quality Control, Department of Environmental Protection, First Floor of the Tyson Building, Augusta Mental Health Institute Complex, Augusta, ME 04333-0017.

## II. Rulemaking Information

This section is organized as follows:

- A. What Action Is EPA Taking?
- B. What Are the Requirements of Maine's New Regulations?
- C. Why Is EPA Approving Maine's Regulations?
- D. What Is the Process for EPA to Approve These SIP Revisions?

### A. What Action Is EPA Taking?

EPA is approving Maine's Chapter 153, "Mobile Equipment Repair and Refinishing," and Chapter 130, "Solvent Cleaners," and incorporating these regulations into the Maine SIP.

### B. What Are the Requirements of Maine's New Regulations?

Maine's Chapter 153 applies to any person who applies mobile equipment repair and refinishing coatings. The regulation establishes: (a) Requirements for using improved transfer efficiency coating and application equipment, such as high volume low pressure spray guns; (b) requirements for enclosed spray gun cleaning techniques; (c) minimum training standards in the proper use of equipment and materials; and (d) other work practice standards, such as storing coatings and solvents in closed containers. Compliance with the rule is required by January 1, 2005. VOC limits for mobile equipment repair and refinishing coatings are not included in Maine's Chapter 153 but are in effect nationally under the Federal requirements at 40 CFR part 59, subpart B, National VOC Emissions Standards for Automobile Refinish Coatings, which EPA adopted in 1998.

Maine's Chapter 130 includes equipment and work practice standards for batch cold cleaning machines, batch vapor cleaning machines, in-line cleaning machines, and cleaning

machines not having a solvent/air interface. An alternative standard for batch vapor or in-line cleaning machines is also included. Also, with the exception of certain specified exemptions, the rule requires that cold cleaning machines use a solvent with a vapor pressure of 1.00 mm Hg or less. In addition, Chapter 130 includes the appropriate monitoring and recordkeeping requirements to ensure compliance with the specified performance standards. Finally, the rule requires compliance with the new low vapor pressure requirement by May 1, 2005, and compliance with the other requirements of the rule upon its effective date (i.e., June 28, 2004).

### C. Why Is EPA Approving Maine's Regulations?

EPA has evaluated Maine's Chapter 153 and Chapter 130 and has found that these regulations are generally consistent with EPA guidance and the Ozone Transport Commission (OTC) model rules for the relevant source categories. The specific requirements of Maine's regulations and EPA's evaluation of these requirements are detailed in a memorandum, dated April 22, 2005, entitled "Technical Support Document—Maine—VOC Regulations" (TSD). The TSD and Maine's regulations are available in the docket supporting this action.

The OTC has developed model rules for several VOC source categories, and the OTC states, including Maine, have signed a memorandum of understanding (MOU) committing to adopt these model rules. (See "Model Rule for Solvent Cleaning," and "Model Rule for Mobile Equipment Repair and Refinishing," both dated March 6, 2001.)

Several other OTC states have also recently adopted mobile equipment repair and refinishing rules and solvent cleaning rules based on the OTC model rules and EPA has already approved some of these states' rules.<sup>1</sup>

In addition, it should also be noted that EPA previously approved an earlier version of Maine's Chapter 130 solvent cleaning rule into the Maine SIP. (See 59 FR 31157; June 17, 1994.) The earlier version of Chapter 130 was based on EPA's control technique guideline (CTG) for solvent cleaning.<sup>2</sup> As discussed in more detail in the TSD, EPA has determined that the new

<sup>1</sup> For example, on November 22, 2002, EPA approved Delaware's mobile equipment repair and refinishing rule (67 FR 70315), and on January 23, 2004, EPA approved New York's solvent cleaning rule (69 FR 3237).

<sup>2</sup> "Control of Volatile Organic Emissions from Solvent Metal Cleaning." (EPA-450/2-77-022), November 1977.

version of Chapter 130 meets the section 110(l) anti-backsliding provisions of the Clean Air Act (CAA). Therefore, EPA is approving Chapter 130 to enforce the requirement under the CAA for reasonably available control technology on this CTG category. Maine is not submitting Chapter 153 to meet any specific control requirements under the Clean Air Act. EPA is approving Chapter 153 because it will strengthen Maine's SIP. If Maine elects to rely on Chapter 153 in a future control strategy SIP (e.g., a rate of progress plan or an attainment demonstration), the rule will become a control measure required under the Clean Air Act for purposes of that control strategy SIP.

### D. What Is the Process for EPA To Approve These SIP Revisions?

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This action will be effective July 25, 2005 without further notice unless the EPA receives relevant adverse comments by June 27, 2005.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on July 25, 2005 and no further action will be taken on the proposed rule. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

## III. Final Action

EPA is approving Maine's Chapter 153, "Mobile Equipment Repair and Refinishing," and Chapter 130, "Solvent Cleaners," and incorporating these regulations into the Maine SIP.

## IV. 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), because it 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 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.*).

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, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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)(54) to read as follows:

#### § 52.1020 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(54) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on March 8, 2004, and June 28, 2004.

(i) Incorporation by reference. (A) Chapter 153 of the Maine Department of Environmental Protection Regulations, “Mobile Equipment Repair and Refinishing,” effective in the State of Maine on February 25, 2004.

(B) Chapter 130 of the Maine Department of Environmental Protection Regulations, “Solvent Cleaners,” effective in the State of Maine on June 28, 2004.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

■ 3. In § 52.1031, Table 52.1031 is amended by adding a new entry to existing state citation 130, and by adding a new state citation, 153, 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
130	Solvent Cleaners	6/17/04	5/26/05	[Insert FR citation from published date]	(c)(54).

TABLE 52.1031.—EPA-APPROVED RULES AND REGULATIONS—Continued

State citation	Title/subject	Date adopted by State	Date approved by EPA	Federal Register citation	52.1020
153 .....	Mobile Equipment Repair and Refinishing.	2/5/04	5/26/05	[Insert <i>FR</i> citation from published date] ..	(c)(54).

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

[FR Doc. 05–10481 Filed 5–25–05; 8:45 am]  
BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[AZ–140–128; FRL–7912–3]

### Revisions to the Arizona State Implementation Plan, Maricopa County

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing approval of revisions to the Maricopa County portion of the Arizona State Implementation Plan (SIP). These revisions were proposed in the **Federal Register** on March 23, 2005 and concern volatile organic compound (VOC)

emissions from expandable polystyrene foam operations. We are approving local Rule 358—Polystyrene Foam Operations. This rule regulates these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** *Effective Date:* This rule is effective on June 27, 2005.

**ADDRESSES:** You can inspect copies of the administrative record for this action at EPA's Region IX office during normal business hours by appointment. You can inspect copies of the submitted SIP revisions by appointment at the following locations:

Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901;  
Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room B–102, 1301 Constitution Avenue, NW., (Mail Code 6102T), Washington, DC 20460;

Arizona Department of Environmental Quality, Air Quality Division, 1100 West Washington Street, Phoenix, AZ, 85007; and,  
Maricopa County, Air Quality Department, 1001 North Central Avenue, Phoenix, AZ, 85004–1942.

A copy of the rule may also be available via the Internet at <http://www.maricopa.gov/AQ/Rules>. Please be advised that this is not an EPA Web site and may not contain the same version of the rule that was submitted to EPA.

**FOR FURTHER INFORMATION CONTACT:** Jerald S. Wamsley, EPA Region IX, (415) 947–4111, [wamsley.jerry@epa.gov](mailto:wamsley.jerry@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us” and “our” refer to EPA.

### I. Proposed Action

On March 23, 2005 (70 FR 14616), EPA proposed to approve the following rule into the Arizona SIP.

Local agency	Rule #	Rule title	Adopted	Submitted
Maricopa County .....	358	Polystyrene Foam Operations .....	04/20/05	04/25/05

We proposed to approve Rule 358 because we determined that it complied with the relevant CAA requirements. Our proposed action contains more information on this rule and our evaluation.

On May 2, 2005, we found this rule submittal met the completeness criteria in 40 CFR part 51, appendix V. On February 22, 2005, the Arizona Department of Environmental Quality (ADEQ) requested EPA to parallel process our review of Rule 358 concurrently with Maricopa County's rule adoption process. We agreed to parallel process Rule 358 using our authority under 40 CFR part 51, appendix V and, for the purposes of our March 23, 2005 proposal, we made a completeness finding on the February 22, 2005 submittal according to the criteria at 40 CFR part 51, appendix V, 2.3.1. Our May 2, 2005 completeness finding applies to the April 25, 2005

submittal that is the subject of this rulemaking.

### II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received comments from the following party.

1. Seth v.d.H. Cooley, Duane Morris, LLP representing WinCup Holdings, Inc. (WinCup); letter dated April 22, 2005 and received via electronic mail April 22, 2005. The comments and our responses are summarized below.

*Comment #1:* The emission limit in Rule 358, Section 303, 3.2 pounds of VOC per 100 pounds of polystyrene beads processed, (Section 303 limit) has no technical basis. There is no connection between Maricopa County Air Quality Division's (MCAQD) RACT Analysis and the Section 303 limit.

*Response #1:* In their RACT Analysis,<sup>1</sup> MCAQD reviewed the expandable polystyrene industry, a wide variety of possible emission control options, and emission limits and controls adopted in other jurisdictions. Their RACT analysis outlined a compliance strategy of installing specific control equipment and process modifications, such as a regenerative thermal oxidizer, use of a total enclosure for capturing prepuff polystyrene aging emissions, and different prepuff polystyrene aging regimes, that could be used at the WinCup facility to meet the Section 303 emission limit. MCAQD calculated a specific emission reduction due to WinCup's use of the compliance

<sup>1</sup> “RACT Analysis for Rule 358 Polystyrene Foam Operations,” Planning & Analysis Section, Maricopa County Air Quality Department, Phoenix, AZ April 21, 2005.