

Dated: December 18, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison  
Officer, Department of Defense.

[FR Doc. E6-21944 Filed 12-21-06; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

[DOD-2006-OS-0220]

#### 32 CFR Part 367

#### Assistant Secretary of Defense for Health Affairs

AGENCY: Department of Defense.

ACTION: Final rule.

**SUMMARY:** This document removes part 367, "Assistant Secretary of Defense for Health Affairs" presently in Title 32 of the Code of Federal Regulations. This part was canceled by DoD Directive 5144.1, "Assistant Secretary of Defense for Networks and Information Integration/Dod Chief Information Officer (ASD(NII)/DOD CIO)".

**DATES:** *Effective Date:* December 22, 2006.

**FOR FURTHER INFORMATION CONTACT:** L. Bynum, 703-696-2970.

**SUPPLEMENTARY INFORMATION:** This part 367 is removed to as a part of a DoD exercise to remove CFR parts no longer required to be codified. DoD Directive 5144.1 may be obtained from <http://www.dtic.mil/whs/directives/corres/dir2.html>.

#### List of Subjects in 32 CFR Part 367

Organization and functions  
(Government agencies).

#### PART 367—[REMOVED]

■ Accordingly, by the authority of 10 U.S.C. 301, 32 CFR part 367 is removed.

Dated: December 15, 2006.

L.M. Bynum,

Alternate OSD Federal Register Liaison  
Officer, Department of Defense.

[FR Doc. 06-9823 Filed 12-21-06; 8:45 am]

BILLING CODE 5001-06-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2006-0354; FRL-8259-5]

#### Approval and Promulgation of Air Quality Implementation Plans; Ohio; Revision to Ohio State Implementation Plan To Rescind Oxides of Nitrogen Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** EPA is approving a revision to the Ohio State Implementation Plan (SIP) submitted by Ohio on April 11, 2005 to rescind a rule which affected stationary combustion sources located within Priority I regions of the State and new sources regardless of location. The rule revision we are approving here also applies to nitric acid manufacture. We are taking this action at the request of the Ohio Environmental Protection Agency (Ohio EPA) because this rule is no longer the limiting regulation for any oxides of nitrogen (NO<sub>x</sub>) emission units in the State. The rule was originally approved by EPA over 30 years ago and since then has been superseded by a number of more stringent State and Federal regulations. The Ohio NO<sub>x</sub> SIP call rules and Federal emission standards for utility and industrial units all have greater potential for reducing emissions of NO<sub>x</sub> and improving human health than does the State's rescinded rule.

**DATES:** This final rule is effective on January 22, 2007.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2006-0354. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, 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 at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone John

Paskevicz, Engineer at (312) 886-6084 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** John Paskevicz, Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6084, or e-mail at [paskevicz.john@epa.gov](mailto:paskevicz.john@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What Action is EPA Taking?
- II. What is the Background for the Action?
- III. Final Action
- IV. Statutory and Executive Order Reviews

#### I. What Action is EPA Taking?

EPA is approving the request from Ohio to rescind a rule, Ohio Administrative Code (OAC) 3745-23-06, which the State has determined no longer applies to any source in the State. The rule formerly applied to sources of oxides of nitrogen (NO<sub>x</sub>) including nitric acid plants and combustion sources greater than 250 million British Thermal Units (BTU) per hour. Ohio made this request on April 11, 2005, following public hearing. We reviewed the State's request and find that it meets the requirements for technical approvability and agreed that the rule is redundant with regard to control of large NO<sub>x</sub> combustion sources and nitric acid plants in the State. We agree that the rule has been superseded by recent State and Federal rules and is therefore no longer needed.

#### II. What is the Background for the Action?

The Ohio EPA sent a letter and supporting materials to EPA requesting to revise the Ohio SIP by eliminating that portion of plan which approved rule 3745-23-06 of the Ohio Administrative Code. Ohio EPA had made the determination that this rule, originally promulgated in 1972, was no longer viable because it had been superseded by more recent and more stringent rules. We agreed with Ohio EPA and on June 1, 2006, we published a proposal in the **Federal Register** (71 FR 31129) to approve the State's request. In that proposal we asked the public to comment on the State's request and noted that there are no sources in the State subject to rule OAC 3745-23-06. We gave the public thirty days to respond to our proposed action. We did not receive any comments on the proposal from the public either via the U.S. Postal Service or through the EPA public docket on the EPA Web site,