

a drawbridge opening. Upbound vessels shall request openings in accordance with the normal flow procedures as set forth above. The remote drawbridge operator shall keep all approaching vessels informed of the position of the drawbridge span.

(c) Across the Arkansas Waterway, the draw of the Van Buren Railroad Drawbridge, mile 300.8 at Van Buren, Arkansas, is maintained in the open position except as follows:

(1) When a train approaches the bridge, amber lights attached to the bridge begin to flash and an audible signal on the bridge sounds. At the end of 10 minutes, the amber light continues to flash; however, the audible signal stops and the draw lowers and locks if the photoelectric boat detection system detects no obstruction under the span. If there is an obstruction, the draw opens to its full height until the obstruction is cleared.

(2) After the train clears the bridge, the draw opens to its full height, the amber flashing light stops, and the mid channel lights change from red to green, indicating the navigation channel is open for the passage of vessels.

#### § 117.139 [Amended]

n 3. In § 117.139, remove paragraph (a); and redesignate paragraphs (b) and (c) as paragraphs (a) and (b), respectively.

Dated: November 6, 2006.

**Ronald W. Branch,**

*Captain, U.S. Coast Guard Commander, 8th Coast Guard Dist, Acting.*

[FR Doc. E6-20706 Filed 12-6-06; 8:45 am]

BILLING CODE 4910-15-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2005-SC-0003; EPA-R04-OAR-2005-SC-0005-200620b; FRL-8252-9]

### Approval and Promulgation of Implementation Plans; South Carolina: Revisions to State Implementation Plan

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving several revisions to the South Carolina State Implementation Plan (SIP), submitted by the South Carolina Department of Health and Environmental Control (SC DHEC) on April 13, 2005, and October 24, 2005. Both revisions include modifications to South Carolina's

Regulation 61-62.1 "Definitions and General Requirements." In the April 13, 2005, submission, Regulation 61-62.1 is being amended to be consistent with the new Federal emissions reporting requirements, referred to as the Consolidated Emissions Reporting Rule (CERR), and to streamline the existing emissions inventory requirements. SC DHEC is taking an action that is consistent with the final rule, published on June 10, 2002 (67 FR 39602).

The October 24, 2005 submittal revises the definition of Volatile Organic Compounds (VOC). The revision adds several compounds to the list of compounds excluded from the definition of VOC on the basis that they make a negligible contribution to ozone formation, and similarly removes several compounds from the definition of VOC.

This action is being taken pursuant to section 110 of the Clean Air Act (CAA).

**DATES:** This direct final rule is effective February 5, 2007 without further notice, unless EPA receives adverse comment by January 8, 2007. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. "EPA-R04-OAR-2005-SC-0003, EPA-R04-OAR-2005-SC-0005" by one of the following methods:

1. *http://www.regulations.gov*: Follow the online instructions for submitting comments.

2. *E-mail:* ward.nacosta@epa.gov.

3. *Fax:* 404-562-9019.

4. *Mail:* "EPA-R04-OAR-2005-SC-0003, EPA-R04-OAR-2005-SC-0005," Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region Forsyth Street, SW., Atlanta, Georgia 30303-8960.

5. *Hand Delivery or Courier:* Nacosta Ward, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division floor, U.S. Environmental Protection Agency, Region Forsyth Street, SW., Atlanta, Georgia 30303-8960. 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 EPA Docket ID No. "R04-OAR-2005-SC-0005-SC-0003, EPA-R04-OAR-2005-SC-005." 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://www.regulations.gov>, 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 through [www.regulations.gov](http://www.regulations.gov) or e-mail, information that you consider to be CBI or otherwise protected. The [www.regulations.gov](http://www.regulations.gov) is an "anonymous access" system, 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 [www.regulations.gov](http://www.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. For additional information about public docket visit the EPA Docket Center at <http://www.epa.gov/epahome/dockets.htm>.

**Docket:** All documents in the electronic docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. 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 [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region Forsyth Street, SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are 8:30 to 4:30, excluding federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Nacosta Ward, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management

Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9040. Ms. Ward can also be reached via electronic mail at [ward.nacosta@epa.gov](mailto:ward.nacosta@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Today's Action

###### *Revisions Submitted on April 13, 2005*

On April 13, 2005, SC DHEC submitted proposed SIP revisions to EPA for review and approval into the South Carolina SIP. The proposed revisions include changes made by the State of South Carolina to Regulation 61–62.1, regarding CERR reporting requirements. The rules became state effective on February 25, 2005. The purpose of the CERR is to simplify emissions reporting, establish new reporting requirements for PM<sub>2.5</sub> and establish statewide reporting of area source and mobile source emissions. Currently, the CERR requires that all facilities needing to obtain a Title V permit must submit an emissions inventory every two years. Approximately 50 of the 354 current Title V sources (Type A sources) will be required to increase their emissions inventory reporting to an annual basis. However, the majority of the Title V sources (Type B sources) with fewer emissions, approximately 80 of 354 current sources, will only need to submit their emissions inventory every three years. Thus, the reporting requirements for these sources will decrease from every other year to every third year. The remaining Title V sources, except those that emit significant hazardous air pollutants (HAPs) will gain an even greater decrease in the reporting requirements. If those sources have submitted an initial inventory, no further reporting will be required. Those sources that emit significant HAPs will also have a decrease in reporting requirements, from every other year to every three years. SC DHEC is revising these revisions to be consistent with the new Federal emissions reporting requirements, and to revise existing State specific requirements to streamline the reporting process. EPA is now taking direct final action to approve the proposed revisions, which include revising the CERR emissions reporting regulations. The proposed revisions summarized above are approvable pursuant to section 110 of the CAA.

###### *Revisions Submitted on October 24, 2005*

Tropospheric ozone, a major component of smog, is formed when VOCs and nitrogen oxides react in the atmosphere. Because of the harmful health effects of ozone, EPA limits the amount of VOCs and that can be released into the atmosphere. VOCs are those compounds of carbon (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, or carbonates, and ammonium carbonate) which form ozone through atmospheric photochemical reactions. Compounds of carbon (or organic compounds) have different levels of reactivity; they do not react at the same speed, or do not form ozone to the same extent. It has been EPA's policy that compounds of carbon with a negligible level of reactivity need not be regulated to reduce ozone (see 42 FR 35314, July 8, 1977). EPA determines whether a given carbon compound has "negligible" reactivity by comparing the compound's reactivity to the reactivity of ethane. EPA lists these compounds in its regulations (at 40 CFR 51.100(s)) and excludes them from the definition of VOC. The chemicals on this list are often called "negligibly reactive." EPA may periodically revise the list of negligibly reactive compounds to add compounds to or delete them from the list. EPA promulgated such changes on November 29, 2004 (69 FR 69298).

On October 24, 2005, SC DHEC submitted proposed SIP revisions to EPA for review and approval into the South Carolina SIP. The proposed revisions include changes made by the State of South Carolina to Regulation 61–62.1, regarding the definition of VOC, to reflect EPA's November 29, 2004, changes. The rules became state effective on August 26, 2005. Specifically, South Carolina is removing the following compounds from the definition of VOC:

- 2 (ethoxydifluoromethyl) (1,1,1,2,3,3,3 heptafluoropropane)
- (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>) (1,1,1,2,2,3,3,4,4 nonafluoro 4 methoxybutane)
- (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>) (1 ethoxy 1,1,2,2,3,3,4,4,4 nonafluorobutane)
- CFC–113 (trichlorotrifluoroethane)
- CFC–114 (dichlorotetrafluoroethane)
- HCFC–123 (dichlorotrifluoroethane)
- HCFC–134a (tetrafluoroethane)
- HCFC–141b (dichlorofluoroethane)
- HCFC–142b (chlorodifluoroethane)
- Methylene chloride
- Perchloroethylene

South Carolina is adding the following compounds to the definition of VOC:

- (CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub> to (2-(ethoxydi- and fluoro-methyl)-(1,1,1,2,3,3,3-heptafluoropropane)
- CFC–113 (1,1,2-trichloro-1,2,2-trifluoroethane)
- CFC–114 (1,2-dichloro-1,1,2,2-tetrafluoroethane)
- HCFC–123 (1,1,1-trifluoro-2,2-dichloroethane)
- HCFC–134a (1,1,1,2-tetrafluoroethane)
- HCFC–141b (1,1-dichloro-1-fluoroethane)
- HCFC–142b (1-chloro-1,1-difluoroethane)
- HFC–227ea (1,1,1,2,3,3,3-heptafluoropropane)
- HFE–7000 (1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane) or (n-C<sub>3</sub>F<sub>7</sub>OCH<sub>3</sub>)
- HFE–7100 (1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxybutane) or (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>)
- HFE–7200 (1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane) or (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>)
- HFE–7500 (3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane)
- Methylene chloride (dichloromethane)
- Methyl formate (HCOOCH<sub>3</sub>)
- Perchloroethylene (tetrachloroethylene); and perfluorocarbon compounds that fall into these classes:
  - (i) Cyclic, branched, or linear, completely fluorinated alkanes;
  - (ii) Cyclic, branched, or linear, completely fluorinated alkanes;
  - (iii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
  - (iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

##### II. Final Action

EPA is approving revisions to South Carolina's Regulation 61–62.1 "Definitions and General Requirements." These revisions include changes to the CERR reporting requirements, and the definition of VOCs. These changes are consistent with the CAA.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal 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 rule will be effective February 5, 2007 without further notice unless the Agency receives adverse comments by January 8, 2007.

If 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. 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 February 5, 2007 and no further action will be taken on the proposed rule.

### III. 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). This action 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 CAA. 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 CAA. 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 CAA. 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, U.S.C. section 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 5, 2007. 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: November 21, 2006.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

n Amend 40 CFR part 52 as follows:

### PART 52—[AMENDED]

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

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

### Subpart PP—South Carolina

n 2. Section 52.2120(c) is amended under Regulation No. 62.1 by revising entries for "Section I" and "Section III" to read as follows:

#### § 52.2120 Identification of Plan.

\* \* \* \* \*

(c) \* \* \*

### AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA

State citation	Title/subject	State effective date	EPA approval date	Federal Register notice
<b>Regulation No. 62.1 Definitions and General Requirements</b>				
Section I ...	Definitions .....	08/26/2005	12/07/2006	[Insert citation of publication].
*	*	*	*	*
Section III	Emissions Inventory .....	02/25/2005	12/07/2006	[Insert citation of publication].

## AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA—Continued

State citation	Title/subject	State effective date	EPA approval date	Federal Register notice
*	*	*	*	*
* * * * *				
[FR Doc. E6–20767 Filed 12–6–06; 8:45 am] BILLING CODE 6560–50–P				
<b>ENVIRONMENTAL PROTECTION AGENCY</b>				
<b>40 CFR Part 52</b>				
[EPA–R03–OAR–2006–0696; FRL–8252–5]				
<b>Approval and Promulgation of Air Quality Implementation Plans; Delaware; Revisions to Regulation 1102—Permits</b>				
<b>AGENCY:</b> Environmental Protection Agency (EPA).				
<b>ACTION:</b> Direct final rule.				
<b>SUMMARY:</b> EPA is taking direct final action to approve revisions to Delaware's State Implementation Plan (SIP). The revisions ensure that all preconstruction air quality permits issued pursuant to Delaware's Regulation 1102 are federally enforceable, regardless of whether they are intended to limit a source's potential to emit. EPA is approving these revisions to Delaware's SIP in accordance with the requirements of the Clean Air Act.				
<b>DATES:</b> This rule is effective on February 5, 2007 without further notice, unless EPA receives adverse written comment by January 8, 2007. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the <b>Federal Register</b> and inform the public that the rule will not take effect.				
<b>ADDRESSES:</b> Submit your comments, identified by Docket ID Number EPA–R03–OAR–2006–0696 by one of the following methods:				
A. <a href="http://www.regulations.gov">www.regulations.gov</a> . Follow the on-line instructions for submitting comments.				
B. E-mail: <a href="mailto:campbell.dave@epa.gov">campbell.dave@epa.gov</a> .				
C. Mail: EPA–R03–OAR–2006–0696, David Campbell, Chief, Permits and Technical Assessment Branch, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.				
D. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.				
	<p><b>Instructions:</b> Direct your comments to Docket ID No. EPA–R03–OAR–2006–0696. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at <a href="http://www.regulations.gov">www.regulations.gov</a>, 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 <a href="http://www.regulations.gov">www.regulations.gov</a> or e-mail. The <a href="http://www.regulations.gov">www.regulations.gov</a> Web site is an "anonymous access" system, 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 <a href="http://www.regulations.gov">www.regulations.gov</a>, 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.</p> <p><b>Docket:</b> All documents in the electronic docket are listed in the <a href="http://www.regulations.gov">www.regulations.gov</a> index. 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 <a href="http://www.regulations.gov">www.regulations.gov</a> or in hard copy 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 Delaware Department of Natural Resources &amp; Environmental</p>	Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.		
		<b>FOR FURTHER INFORMATION CONTACT:</b> Rosemarie Nino, (215) 814–3377, or by e-mail at <a href="mailto:nino.rose@epa.gov">nino.rose@epa.gov</a> .		
		<b>SUPPLEMENTARY INFORMATION:</b>		
		<b>I. Background</b>		
		On June 15, 2006, Delaware submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of "Regulation 1102—Permits" adopted by the State of Delaware on May 15, 2006 and effective June 11, 2006. The State amended the regulation in order to (1) ensure that the regulatory language is clear that all Regulation 1102 permits are federally enforceable, regardless of whether they are intended to limit potential to emit; and, (2) the renumbering of the regulation to be consistent with the style manual of the Code of Delaware Regulations.		
		Delaware is seeking approval of these amendments to this rule pursuant to 40 CFR Part 51 Subpart I and Section 110(a)(2)(C) of the federal Clean Air Act (CAA) as amended November 15, 1990.		
		<b>II. Summary of SIP Revision</b>		
		EPA is proposing to approve this revision to incorporate into the Delaware SIP amendments to Regulation 1102 (formerly Regulation 2)—"Permits" as submitted by Delaware Natural Resources and Environmental Control (DNREC) on June 15, 2006. This approval action will effectively replace the previously-approved version of "Regulation 2—Permits," renumbered with this revision to be "Regulation 1102—Permits," as approved into Delaware's SIP on January 11, 2006 (65 FR 2048).		
		<b>III. Program Review</b>		
		<b>A. What is being addressed in this document?</b>		
		On June 15, 2006, DNEC submitted regulatory revision to EPA for approval. The submittal consists of Delaware Rule entitled "Regulation 1102—Permits" adopted on May 15, 2006 and effective June 11, 2006.		
		<b>B. What are the program changes that EPA is approving?</b>		
		EPA is approving Delaware's revisions to Regulation 1102—Permits.		