

Dated: August 22, 2006.

Michele M. Leonhart,
Deputy Administrator.

[FR Doc. E6-14287 Filed 8-28-06; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD05-06-042]

RIN 1625-AA08

Special Local Regulations for Marine Events; Susquehanna River, Port Deposit, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the special local regulations for the "Ragin' on the River" powerboat race to be held Labor Day weekend, September 2 and 3, 2006, on the waters of the Susquehanna River, adjacent to Port Deposit, Maryland. This action is necessary to provide for the safety of life on navigable waters during the event. The effect will be to restrict general navigation in the regulated area for the safety of participants and vessels transiting the event area.

DATES: *Effective Dates:* 33 CFR 100.535 will be enforced from 10:30 a.m. to 6:30 p.m. on September 2 and 3, 2006. If the event is postponed due to weather, this section will be enforced during the same time period on Monday, September 4, 2006.

FOR FURTHER INFORMATION CONTACT: Ronald Houck, Coast Guard Sector Baltimore, Prevention Department, at (410) 576-2674.

SUPPLEMENTARY INFORMATION: Annually, during Labor Day weekend, the Port Deposit, Maryland Chamber of Commerce sponsors the "Ragin' on the River" powerboat race, on the waters of the Susquehanna River. The event consists of approximately 60 inboard hydroplanes and runabouts racing in heats counterclockwise around an oval racecourse. A fleet of spectator vessels is anticipated to gather nearby to view the competition. Due to the need for vessel control during the event, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels. In order to ensure the safety of the event participants and transiting vessels, 33 CFR 100.535 will be enforced for the

duration of the event. Under provisions of 33 CFR 100.535, a vessel may not enter the regulated area unless it receives permission from the Coast Guard Patrol Commander.

In addition to this notice, the maritime community will be provided extensive advance notification via the Local Notice to Mariners, marine information broadcasts, local radio stations and area newspapers, so mariners can adjust their plans accordingly.

Dated: August 14, 2006.

L.L. Hereth,

Rear Admiral, U.S. Coast Guard, Commander,
Fifth Coast Guard District.

[FR Doc. E6-14268 Filed 8-28-06; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R07-OAR-2006-0484; FRL-8213-9]

Approval and Promulgation of Implementation Plans; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the state of Iowa for the purpose of establishing exemptions for indoor sources of air pollution that are not directly vented to the outside but have emissions that leave the building through doors, vents or other means. This revision also clarifies that the permitting exemptions do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements. The state has demonstrated that air pollution emissions from this equipment are negligible and these exemptions are likely to result in no significant impact on human health or the environment. We have reviewed the state's justification for the revisions and agree with its conclusions.

DATES: This direct final rule will be effective October 30, 2006, without further notice, unless EPA receives adverse comment by September 28, 2006. If adverse comment is 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 Docket ID No. EPA-R07-OAR-2006-0484, by one of the following methods:

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

2. E-mail: Hamilton.heather@epa.gov.

3. Mail: Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

4. Hand Delivery or Courier: Deliver your comments to Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Instructions: Direct your comments to Docket ID No. EPA-R07-OAR-2006-0484. 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 <http://www.regulations.gov> or e-mail information that you consider to be CBI or otherwise protected. The <http://www.regulations.gov> 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 <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.

Docket: All documents in the electronic docket are listed in the <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 [http://](http://www.regulations.gov)

www.regulations.gov or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. The Regional Office's official hours of business are Monday through Friday, 8 to 4:30 excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Heather Hamilton at (913) 551-7039, or by e-mail at Hamilton.heather@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This section provides additional information by addressing the following questions:

What is a SIP?

What is the Federal approval process for a SIP?

What does Federal approval of a state regulation mean to me?

What is being addressed in this document?

Have the requirements for approval of a SIP revision been met?

What action is EPA taking?

What is a SIP?

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to us for approval and incorporation into the Federally-enforceable SIP.

Each Federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

What is the Federal approval process for a SIP?

In order for state regulations to be incorporated into the Federally-enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 110 of the CAA are incorporated into the Federally-approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at title 40, part 52, entitled "Approval and Promulgation of Implementation Plans." The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are "incorporated by reference," which means that we have approved a given state regulation with a specific effective date.

What does Federal approval of a State regulation mean to me?

Enforcement of the state regulation before and after it is incorporated into the Federally-approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in section 304 of the CAA.

What is being addressed in this document?

EPA is approving a revision to the SIP for the State of Iowa which establishes exemptions from construction permitting for certain categories of air pollution sources. This revision became state effective on April 19, 2006.

The exemptions include equipment, processes and activities identified in the rule and summarized below. The reader should refer to the Iowa Administrative Code, Chapter 22.1 and the technical support document, which are part of the docket for this rulemaking for more detail concerning the exemptions.

1. An amendment to paragraph 22.1(2) "m", which exempts certain storage tanks, raises the maximum capacity and throughput of tanks which may qualify for the exemption.

2. An amendment to paragraph 22.1(2) "x" adds an exemption for certain applications of hot melt adhesives from specified closed-pot systems.

3. An amendment to subrule 22.1(2) adds several new exemptions as follows:

a. Product labeling using laser and ink-jet printers meeting specified performance criteria;

b. Equipment related to research and development activities at a stationary source meeting specified emissions and recordkeeping criteria, and meeting the definition of "research and development activities" specified in the rule;

c. Regional collection centers, as defined in Iowa's hazardous waste rules, involved in the processing of permitted hazardous materials from households and certain small quantity generators meeting specified quantity restrictions for materials containing volatile organic compounds (VOCs);

d. Cold solvent cleaning machines that are not in-line cleaning machines, which meet specified performance and operational criteria.

We note that the Iowa exemption rule provides that none of the exemptions are available to emissions units, processes, or activities that would trigger the requirements for major new source review (e.g., the prevention of significant deterioration program).

The Iowa Department of Natural Resources (IDNR) has provided a justification document which analyzes the projected emissions increases and air quality impact which may be attributable to the exemptions. For example, Iowa determined that the product labeling exemption would apply to equipment which emits no more than 3.75 tons per year of VOCs, which is the threshold included in the Iowa permit rules previously approved by EPA as de minimis for permitting of minor sources. Similar justifications for the other exemptions are included in the docket for this rulemaking.

Based on review of IDNR's technical evaluation documented in the exemption justification document submitted with the rule and included in the docket, EPA agrees that the emission units and activities exempted by the rule generate emissions that have little or no environmental or human health consequences and can be exempted from the requirement to obtain a construction permit.

Have the requirements for approval of a SIP revision been met?

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document that is part of this rulemaking, the revision meets the substantive SIP requirements of the

CAA, including section 110 and implementing regulations.

What action is EPA taking?

EPA is approving a revision which adds permitting exemptions to the Iowa Administrative Code. This revision also clarifies that the permitting exemptions do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements.

We are processing this action as a direct final action because the revisions make minor changes to the existing rules that are noncontroversial. Therefore, we do not anticipate any adverse comments. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment.

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, 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 October 30, 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 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, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 15, 2006.

William W. Rice,

Acting Regional Administrator, Region 7.

■ 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 Q—Iowa

■ 2. In § 52.820 the table in paragraph (c) is amended by revising the entry for 567–22.1 to read as follows:

§ 52.820 Identification of plan.

* * * * *
(c) * * *

EPA-APPROVED IOWA REGULATIONS

Iowa citation	Title	State effective date	EPA approval date	Explanation
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EPA-APPROVED IOWA REGULATIONS—Continued

Iowa citation	Title	State effective date	EPA approval date	Explanation
Chapter 22—Controlling Pollution				
567–22.1	Permits Required for New or Existing Stationary Sources	04/19/06	08/29/06 [insert FR page number where the document begins]	

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BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2006–0225; FRL–8207–9]

Revisions to the California State Implementation Plan, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing approval of revisions to the South Coast Air Quality Management District’s (SCAQMD) portion of the California State Implementation Plan (SIP). These

revisions were proposed in the **Federal Register** on May 16, 2006 and concern oxides of nitrogen (NO_x) and oxides of sulfur (SO_x) emissions from facilities emitting 4 tons or more per year of NO_x or SO_x in the year 1990 or subsequent year under the SCAQMD’s Regional Clean Air Incentives Market (RECLAIM) program. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: *Effective Date:* This rule is effective on September 28, 2006.

ADDRESSES: EPA has established docket number EPA–R09–OAR–2006–0225 for this action. The index to the docket is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be

publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Lily Wong, EPA Region IX, (415) 947–4114, wong.lily@epa.gov.

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

I. Proposed Action

On May 16, 2006 (71 FR 28290), EPA proposed to approve the following rules into the California SIP. Table 1 lists the rules addressed by this action with the dates that they were adopted by the SCAQMD and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted	Submitted
SCAQMD	2000	General	05/06/05	10/20/05
SCAQMD	2001	Applicability	05/06/05	10/20/05
SCAQMD	2002	Allocations for Oxides of Nitrogen (NO _x) and Oxides of Sulfur (SO _x).	01/07/05	12/21/05
SCAQMD	2005	New Source Review for Trading Requirements	05/06/05	10/20/05
SCAQMD	2007	Trading Requirements	05/06/05	10/20/05
SCAQMD	2010	Administrative Remedies and Sanctions	01/07/05	07/15/05
SCAQMD	2011	Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO _x) Emissions.	01/07/05	07/15/05
SCAQMD	¹ 2011	Appendix A: Protocol for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO _x) Emissions, Chapter 1.	05/06/05	10/20/05
SCAQMD	¹ 2011	Appendix A: Protocol for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO _x) Emissions, Chapters 2–6 and Attachments A–F.	01/07/05	07/15/05
SCAQMD	2012	Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO _x) Emissions.	01/07/05	07/15/05
SCAQMD	¹ 2012	Appendix A—Protocol for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO _x) Emissions, Chapter 1.	05/06/05	10/20/05
SCAQMD	2012	Appendix A (Protocol for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO _x) Emissions, Chapters 2–8 and Attachments A–G.	01/07/05	07/15/05

¹ Protocol Appedix A.

In EPA’s proposed approval, we did not clarify that only Chapter 1 of Rule 2011 Protocol Appendix A and Chapter

1 of Rule 2012 Protocol Appendix A were adopted on May 6, 2005 and submitted on October 20, 2005. The

remaining portions of those rules were adopted on January 7, 2005 and submitted on July 15, 2005.