

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 March 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, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 20, 2006.

**A. Stanley Meiburg,**  
*Acting Regional Administrator, Region 4.*

■ 40 CFR part 52 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 (RR)—(Tennessee)**

■ 2. Section 52.2220(c) is amended by revising entry in Table 3 of the Knox County portion of the Tennessee State Implementation Plan, for "Section 46.0", to read as follows:

**§ 52.2220 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

TABLE 3.—EPA-APPROVED KNOX COUNTY, REGULATIONS

State citation	Title/subject	State effective	EPA approval date	Explanation
46.0	Regulation of Volatile Organic Compounds.	10/12/05	1/04/07 [Insert citation of publication]	

\* \* \* \* \*  
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**ENVIRONMENTAL PROTECTION AGENCY**  
**40 CFR Part 52**  
[EPA-R09-OAR-2006-0876; FRL-8258-8]  
**Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District and South Coast Air Quality Management District**  
**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Imperial County Air Pollution Control District and South Coast Air Quality Management District portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from architectural coatings and organic liquid storage tanks. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** This rule is effective on March 5, 2007 without further notice, unless EPA receives adverse comments by February 5, 2007. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.  
**ADDRESSES:** Submit comments, identified by docket number [EPA-R09-OAR-2006-0876], by one of the following methods:  
1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions.  
2. *E-mail:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).  
3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.  
*Instructions:* All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through <http://www.regulations.gov> or e-mail. <http://www.regulations.gov> is an

"anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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.  
*Docket:* The index to the docket for this action 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:** Francisco Dóñez, EPA Region IX, (415) 972-3956, [dones.francisco@epa.gov](mailto:dones.francisco@epa.gov).  
**SUPPLEMENTARY INFORMATION:** Throughout this document, "we," "us" and "our" refer to EPA.

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**I. The State's Submittal**

*A. What rules did the State submit?*

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

**TABLE 1.—SUBMITTED RULES**

Local agency	Rule No.	Rule title	Adopted	Submitted
ICAPCD .....	424	Architectural Coatings .....	1/11/05	4/26/05
SCAQMD .....	463	Organic Liquid Storage .....	5/6/05	10/20/05

On June 3, 2005, ICAPCD's Architectural Coatings Rule was found to meet the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review. And on November 22, 2005, SCAQMD's Organic Liquid Storage Rule was found to meet the completeness criteria in 40 CFR Part 51, Appendix V.

*B. Are there other versions of these rules?*

We approved a version of ICAPCD Rule 424 into the SIP on May 3, 1984. There are no later versions of Rule 424 in the SIP although ICAPCD adopted revisions to the SIP approved version of Rule 424 on September 14, 1999, and CARB submitted it to us on May 26, 2000. We approved a revised version of SCAQMD Rule 463 into the SIP on October 23, 1996. No later versions were submitted to us. While we can act on only the most recently submitted version, we have reviewed materials provided with previous submittals.

*C. What is the purpose of the submitted rule revisions?*

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions. Rule 424, Architectural Coatings, controls emissions of VOCs from various categories of coatings. Rule 463, Organic Liquid Storage, controls emissions of VOCs from above-ground storage tanks used for storage of organic liquids. Rule 424 was extensively revised to match the Suggested Control Measure (SCM) for Architectural Coatings approved by CARB on June 22, 2000. The SCM is a model rule which seeks to provide statewide consistency for the regulation of architectural coatings. The SCM was reviewed by EPA during its development. This revision adopts all provisions of the SCM except the special provisions for industrial maintenance coatings

(relevant only in certain northern California air districts) and the averaging provisions. The revisions submitted to SCAQMD Rule 463 would amend several definitions, allow the use under certain circumstances of an alternative vapor control device, removes the hydrogen sulfide concentration standard for crude oil stored in a floating roof tank, and add language to enhance enforceability of the requirements for various organic compounds through the use of vapor pressure information. Rule 463 revisions also include language amending the reporting and recordkeeping requirements, to allow the use of alternative test methods under certain circumstances, to remove a requirement to use a test method for meeting the hydrogen sulfide standard, and to add test methods for determining true vapor pressure and API gravity. EPA's technical support documents (TSD) have more information about these rules.

**II. EPA's Evaluation and Action**

*A. How is EPA evaluating the rules?*

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for VOC sources covered by a Control Technique Guideline (CTG) and for major sources in nonattainment areas (see section 182(a)(2)(A) and 182(b)(2)(A)), and must not relax existing requirements (see sections 110(l) and 193). ICAPCD and SCAQMD regulate ozone nonattainment areas (see 40 CFR part 81). However, because ICAPCD Rule 424 regulates sources that are not covered by a CTG and that are nonmajor area sources, they are not subject to CAA RACT requirements.

Guidance and policy documents that we use to help evaluate specific enforceability and RACT requirements consistently include the following:

1. Portions of the proposed post-1987 ozone and carbon monoxide policy that

concern RACT, 52 FR 45044, November 24, 1987.

2. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations," EPA, May 25, 1988 (the Bluebook).

3. "Guidance Document for Correcting Common VOC & Other Rule Deficiencies," EPA Region 9, August 21, 2001 (the Little Bluebook).

4. CARB's "Suggested Control Measures for Architectural Coatings" (June 22, 2000).

5. The National Volatile Organic Compound Emission Standard for Architectural Coatings (40 CFR Part 59, Subpart D).

6. "Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks," EPA-450/2-78-047.

7. "Control of Volatile Organic Emissions from Storage of Petroleum Liquid in Fixed Roof Tanks," EPA-450/2-77-036.

*B. Do the Rules Meet the Evaluation Criteria?*

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. The TSDs have more information on our evaluation.

*C. EPA Recommendations To Further Improve the Rules*

The TSDs describe additional rule revisions that do not affect EPA's current action but are recommended for the next time the local agency modifies the rules.

*D. Public Comment and Final Action*

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously

proposing approval of the same submitted rules. If we receive adverse comments by February 5, 2007, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on March 5, 2007. This will incorporate these rules into the federally enforceable SIP.

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. 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 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 March 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, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 7, 2006.

**Wayne Nastri,**

*Regional Administrator, Region IX.*

■ Part 52, 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 F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(336)(i)(C)(2) and (c)(342)(i)(C)(3) to read as follows:

#### § 52.220 Identification of plan.

- \* \* \* \* \*
- (c) \* \* \*
- (336) \* \* \*
- (i) \* \* \*
- (C) \* \* \*
- (2) Rule 424, adopted on November 9, 1982 and revised on January 11, 2005.
- \* \* \* \* \*
- (342) \* \* \*
- (i) \* \* \*
- (C) \* \* \*
- (3) Rule 463, adopted on August 15, 1977 and amended on May 6, 2005.
- \* \* \* \* \*

[FR Doc. E6-22416 Filed 1-3-07; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 65

[Docket No. FEMA-B-7703]

### Changes in Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule lists communities where modification of the