

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[DE102-1100; FRL-8291-7]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Update to Materials Incorporated by Reference**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule; notice of administrative change.

SUMMARY: EPA is updating the materials submitted by Delaware that are incorporated by reference (IBR) into the State implementation plan (SIP). The regulations affected by this update have been previously submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC) and approved by EPA. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA), the Air and Radiation Docket and Information Center located at EPA Headquarters in Washington, D.C., and the Regional Office.

EFFECTIVE DATE: This action is effective April 3, 2007.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, EPA Headquarters Library, Room Number 3334, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460, and the National Archives and Records Administration. If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number: (202) 566-1742; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

FOR FURTHER INFORMATION CONTACT: Harold A. Frankford, (215) 814-2108 or by e-mail at frankford.harold@epa.gov.

SUPPLEMENTARY INFORMATION: The SIP is a living document which the State revises as necessary to address the unique air pollution problems.

Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations to make them part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and the Office of the Federal Register (OFR). The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997 **Federal Register** document. On December 7, 1998 (63 FR 67407), EPA published a document in the **Federal Register** beginning the new IBR procedure for Delaware. On June 21, 2004 (69 FR 34285), EPA published an update to the IBR material for Delaware. In this document, EPA is doing the following:

1. Announcing the update to the IBR material as of February 15, 2007.
2. Making corrections to the following entries listed in the paragraph 52.420(c) chart, as described below:

- a. Revising the title of Regulation 1102 (formerly Regulation 2) so that it restores the text of the revised title as published in the December 7, 2006 **Federal Register** (71 FR 70883 at 70885).

- b. Adding an entry for Regulation 1102, Appendix A with a State effective date of June 1, 1997. EPA had approved the addition of this appendix as a SIP revision on January 13, 2000 (65 FR 2005), but had inadvertently omitted a corresponding entry as an addition to 40 CFR 52.420(c) at the time of EPA's approval action.

- c. For the entries Regulation 1102, Sections 1, 6, 11, and 12, adding text in the "Additional explanation" column to indicate the SIP effective date.

- d. For the entry Regulation 24, Section 10, removing the text from the "Additional explanation" column.

- e. For the entry Regulation 31, Appendix 6(a)(9), correcting a typographical error in the "Title/subject" column.

3. Making corrections to the following entries listed in the paragraph 52.420(d) chart, as described below:

- a. Renaming the title of the second column from "Title/subject" to "Permit number."

- b. Entry for Phoenix Steel Co.—Electric Arc Furnaces Charging & Tapping #2—Correcting a typographical error in the "Permit number" column.

EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA), which, upon finding "good cause," authorizes agencies to dispense with

public participation, and section 553(d)(3), which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs. Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and contrary to the "public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations and incorrect chart entries.

Statutory and Executive Order Reviews*A. General Requirements*

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 approves a state rule implementing a Federal standard. 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.*).

B. Submission to Congress and the Comptroller General

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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Delaware SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for this "Identification of plan" reorganization update action for Delaware.

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 record keeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: March 9, 2007.

William T. Wisniewski,

Acting Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart I—Delaware

■ 2. Section 52.420 is amended by revising paragraphs (b), (c), and (d) to read as follows:

52.420 Identification of plan.

* * * * *

(b) *Incorporation by reference.*

(1) Material listed as incorporated by reference in paragraphs (c) and (d) was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates on or after February 15, 2007 will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region III certifies that the rules/regulations provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of February 15, 2007.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region III Office at 1650 Arch Street, Philadelphia, PA 19103; the EPA, Air and Radiation Docket and Information Center, Room Number 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(c) *EPA approved regulations.*

EPA-APPROVED REGULATIONS IN THE DELAWARE SIP

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Regulation 1 Definitions and Administrative Principles				
Section 1	General Provisions	5/28/74	03/23/76, 41 FR 12010.	New Definitions: (Effective date: 1/7/77). —Capacity factor. —Continuous monitoring system. —Emission standard. —Equipment shutdown. —Excess Emissions. (Effective Date: 9/26/78). —Sulfuric Acid Plant.
Section 2	Definitions	10/11/98	3/11/99, 64 FR 12085.	
Section 2	Definitions	2/8/95	9/9/99, 64 FR 48961	

EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
				Revised Definitions: (Effective date: 1/7/77). —Existing Installation, Equipment, Source, or Operation. —New Installation, Equipment, Source, or Operation.
Section 2	Definitions	2/11/03	11/1/05, 70 FR 65847	Added definition of PM _{2.5}
Section 3	Administrative Principles	1/7/72	05/31/72, 37 FR 10842.	
Section 4	Abbreviations	2/1/81	3/15/82, 48 FR 11013	Abbreviation of “ACAA” only.

Regulation 1102 Permits (Formerly “Regulation 2—Permits”)

Section 1	General Provisions	6/15/06	12/7/06, 71 FR 70883	SIP effective date is 2/5/07.
Section 2	Applicability	6/1/97	1/13/00, 65 FR 2048.	
Section 3	Applications Prepared by Interested Parties.	6/1/97	1/13/00, 65 FR 2048.	
Section 4	Cancellation of Construction Permits.	6/1/97	1/13/00, 65 FR 2048.	
Section 5	Action on Applications	6/1/97	1/13/00, 65 FR 2048.	
Section 6	Denial, Suspension or Revocation of Operating Permits.	6/15/06	12/7/06, 71 FR 70883	SIP effective date is 2/5/07.
Section 7	Transfer of Permit/Registration Prohibited.	6/1/97	1/13/00, 65 FR 2048.	
Section 8	Availability of Permit/Registration	6/1/97	1/13/00, 65 FR 2048.	
Section 9	Registration Submittal	6/1/97	1/13/00, 65 FR 2048.	
Section 10	Source Category Permit Application	6/1/97	1/13/00, 65 FR 2048.	
Section 11	Permit Application	6/15/06	12/7/06, 71 FR 70883	SIP effective date is 2/5/07.
Section 12	Public Participation	6/15/06	12/7/06, 71 FR 70883	SIP effective date is 2/5/07.
Section 13	Department Records	6/1/97	1/13/00, 65 FR 2048.	
Appendix A	[List of Permit Exemptions]	6/1/97	1/13/00, 65 FR 2048.	

Regulation 3 Ambient Air Quality Standards

Section 1	General Provisions	2/11/03	11/1/05, 70 FR 65847	Addition of section 1.6.j.
Section 2	General Restrictions	3/11/80	10/30/81, 46 FR 53663.	
Section 3	Suspended Particulates	3/11/80	10/30/81, 46 FR 53663.	
Section 4	Sulfur Dioxide	3/11/80	10/30/81, 46 FR 53663.	
Section 5	Carbon Monoxide	3/11/80	10/30/81, 46 FR 53663.	
Section 6	Ozone	2/11/03	11/1/05, 70 FR 65847	Addition to section 6.1—“This standard shall be applicable to New Castle and Kent Counties.”; Addition of section 6.2.
Section 8	Nitrogen Dioxide	3/11/80	10/30/81, 46 FR 53663.	
Section 10	Lead	3/11/80	3/11/82, 48 FR 10535.	
Section 11	PM ₁₀ and PM _{2.5} Particulates	2/11/03	11/1/05, 70 FR 65847	Section title added “and PM _{2.5} ”; Addition of sections 11.2.a. and 11.2.b.

Regulation 4 Particulate Emissions From Fuel Burning Equipment

Section 1	General Provisions	5/28/74	3/23/76, 41 FR 12010.	
Section 2	Emission Limits	5/28/74	3/23/76, 41 FR 12010.	

Regulation 5 Particulate Emissions From Industrial Process Operations

Section 1	General Provisions	5/28/74	3/23/76, 41 FR 12010.	
Section 2	General Restrictions	5/28/74	3/23/76, 41 FR 12010.	
Section 3	Restrictions on Hot Mix Asphalt Batching Operations.	5/28/74	3/23/76, 41 FR 12010.	
Section 4	Restrictions on Secondary Metal Operations.	12/2/77	07/30/79, 44 FR 44497.	
Section 5	Restrictions on Petroleum Refining Operations.	9/26/78	9/9/99, 64 FR 48961.	
Section 6	Restrictions on Prill Tower Operations.	9/26/78	08/01/80, 45 FR 51198.	
Section 7	Control of Potentially Hazardous Particulate Matter.	1/7/72	5/31/72, 37 FR 10842.	

Regulation 6 Particulate Emissions From Construction and Materials Handling

Section 1	General Provisions	1/7/72	05/31/72, 37 FR 10842.	
Section 2	Demolition	5/28/74	03/23/76, 41 FR 12010.	

EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Section 3	Grading, Land Clearing, Excavation and Use of Non-Paved Roads.	5/28/74	03/23/76, 41 FR 12010.	
Section 4	Material Movement	5/28/74	03/23/76, 41 FR 12010.	
Section 5	Sandblasting	5/28/74	03/23/76, 41 FR 12010.	
Section 6	Material Storage	5/28/74	03/23/76, 41 FR 12010.	
Regulation 7 Particulate Emissions From Incineration				
Section 1	General Provisions	05/28/74	03/23/76, 41 FR 12010.	Provisions were revised 10/13/89 by State, but not submitted to EPA as SIP revisions.
Section 2	Restrictions	12/8/83	10/3/84 49, FR 39061	
Regulation 8 Sulfur Dioxide Emissions From Fuel Burning Equipment				
Section 1	General Provisions	12/8/83	10/3/84, 49 FR 39061.	
Section 2	Limit on Sulfur Content of Fuel	5/9/85	12/08/86, 51 FR 44068.	
Section 3	Emissions Control in Lieu of Sulfur Content Limits of Section 2.	5/9/85	12/08/86, 51 FR 44068.	
Regulation 9 Emissions of Sulfur Compounds From Industrial Operations				
Section 1	General Provisions	5/9/85	12/08/86, 51 FR 44068.	1. On 3/11/1982 (47 FR 10535), EPA approved revisions to Section 2 with a State effective date of 12/29/1980. 2. Section 2.2 (State effective date: 9/26/1980) is federally enforceable as a Section 111(d) plan and codified at 40 CFR 62.1875.
Section 2	Restrictions on Sulfuric Acid Manufacturing Operations.	9/26/78	9/9/99, 64 FR 48961	
Section 3	Restriction on Sulfur Recovery Operations.	5/28/74	03/23/76, 41 FR 12010.	
Section 4	Stack Height Requirements	4/18/83	09/21/83, 48 FR 42979.	
Regulation 10 Control of Sulfur Dioxide Emissions—Kent and Sussex Counties				
Section 1	Requirements for Existing Sources of Sulfur Dioxide.	1/7/72	05/31/72, 37 FR 10842.	
Section 2	Requirements for New Sources of Sulfur Dioxide.	5/28/74	03/23/76, 41 FR 12010.	
Regulation 11 Carbon Monoxide Emissions From Industrial Process Operations—New Castle County				
Section 1	General Provisions	5/28/74	03/23/76, 41 FR 12010.	Citation revised 3/23/76 41 FR 12010.
Section 2	Restrictions on Petroleum Refining Operations.	1/7/72	05/31/72, 37 FR 10842	
Regulation 12 Control of Nitrogen Oxide Emissions				
Section 1	Applicability	11/24/93	6/14/01, 66 FR 32234.	
Section 2	Definitions	11/24/93	6/14/01, 66 FR 32234.	
Section 3	Standards	11/24/93	6/14/01, 66 FR 32234.	
Section 4	Exemptions	11/24/93	6/14/01, 66 FR 32234.	
Section 5	Alternative and Equivalent RACT Determination.	11/24/93	6/14/01, 66 FR 32234.	
Section 6	RACT Proposals	11/24/93	6/14/01, 66 FR 32234.	
Section 7	Compliance, Certification, Record-keeping, and Reporting Requirements.	11/24/93	6/14/01, 66 FR 32234.	
Regulation 13 Open Burning				
Section 1	Prohibitions—All Counties	2/8/95	03/12/97, 62 FR 11329	EPA effective date is 5/1/98.
Section 2	Prohibitions—Specific Counties	2/8/95	03/12/97, 62 FR 11329	EPA effective date is 5/1/98.
Section 3	General Restrictions—All Counties	2/8/95	03/12/97, 62 FR 11329	EPA effective date is 5/1/98.
Section 4	Exemptions—All Counties	2/8/95	03/12/97, 62 FR 11329	EPA effective date is 5/1/98.
Regulation 14 Visible Emissions				
Section 1	General Provisions	7/17/84	07/02/85, 50 FR 27244.	
Section 2	Requirements	7/17/84	07/02/85, 50 FR 27244.	

EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Section 3	Alternate Opacity Requirements	7/17/84	07/02/85, 50 FR 27244.	
Section 4	Compliance with Opacity Standards	7/17/84	07/02/85, 50 FR 27244.	
Regulation 15 Air Pollution Alert and Emergency Plan				
Section 1	General Provisions	1/7/72	05/31/72, 37 FR 10842.	Delaware removed the word “standby” from Table III, section 3B effective 5/28/74, but did not submit as a SIP revision.
Section 2	Stages and Criteria	3/29/88	04/06/94, 59 FR 16140.	
Section 3	Required Actions	1/7/72	05/31/72, 37 FR 10842	
Section 4	Standby Plans	1/7/72	05/31/72, 37 FR 10842.	
Regulation 16 Sources Having an Interstate Air Pollution Potential				
Section 1	General Provisions	1/7/72	05/31/72, 37 FR 10842	Delaware revised provision effective 5/28/74, but did not submit as a SIP revision.
Section 2	Limitations	1/7/72	05/31/72, 37 FR 10842.	
Section 3	Requirements	1/7/72	05/31/72, 37 FR 10842.	
Regulation 17 Source Monitoring, Recordkeeping and Reporting				
Section 1	Definitions and Administrative Principles.	1/11/93	02/28/96, 61 FR 7453.	Former SIP Sections 1 through 5 respectively; citation revised 2/28/96, 62 FR 7453.
Section 2	Sampling and Monitoring	7/17/84,	07/02/85, 50 FR 27244	
Section 3	Minimum Emission Monitoring Requirements for Existing Sources.	1/10/77	8/25/81, 46 FR 43150.	
Section 4	Performance Specifications	1/11/93	9/9/99, 64 FR 48961.	
Section 5	Minimum Data Requirements	1/10/77	8/25/81, 46 FR 43150.	
Section 6	Data Reduction	1/11/93	9/9/99, 64 FR 48961.	
Section 7	Emission Statement	1/11/93	02/28/96, 61 FR 7453.	
Regulation 23 Standards of Performance for Steel Plants: Electric Arc Furnaces				
Section 1	Applicability	12/2/77	07/30/79, 44 FR 44497	Correction published 8/20/80, 45 FR 55422.
Section 2	Definitions	04/18/83	09/21/83, 49 FR 39061.	Correction published 8/20/80, 45 FR 55422.
Section 3	Standard for Particulate Matter	04/18/83	09/21/83, 49 FR 39061.	
Section 4	Monitoring of Operations	12/2/77	07/30/79, 44 FR 44497	
Section 5	Test Methods and Procedures	12/2/77	07/30/79, 44 FR 44497	Correction published 8/20/80, 45 FR 55422.
Regulation 24 Control of Volatile Organic Compound Emissions				
Section 1	General Provisions	1/11/93	5/3/95, 60 FR 21707.	
Section 2	Definitions	1/11/02	11/14/03, 68 FR 64540.	
Section 3	Applicability	1/11/93	5/3/95, 60 FR 21707.	
Section 4	Compliance Certification, Recordkeeping, and Reporting Requirements for Coating Sources.	1/29/94	01/26/96, 61 FR 2419.	
Section 5	Compliance Certification, Recordkeeping, and Reporting Requirements for Non-Coating Sources.	1/11/93	5/3/95, 60 FR 21707.	
Section 7	Circumvention	1/11/93	5/3/95, 60 FR 21707.	
Section 8	Handling, Storage, and Disposal of Volatile Organic Compounds (VOCs).	11/29/94	01/26/96, 61 FR 2419.	
Section 9	Compliance, Permits, Enforceability	1/11/93	5/3/95, 60 FR 21707.	
Section 10 ...	Aerospace Coatings	2/11/03	3/24/04, 69 FR 13737.	
Section 11 ...	Mobile Equipment Repair and Refinishing.	11/11/01	11/22/02, 67 FR 70315.	
Section 12 ...	Surface Coating of Plastic Parts	11/29/94	01/26/96, 61 FR 2419.	
Section 13 ...	Automobile and Light-Duty Truck Coating Operations.	1/11/93	5/3/95, 60 FR 21707.	
Section 14 ...	Can Coating	1/11/93	5/3/95, 60 FR 21707.	
Section 15 ...	Coil Coating	1/11/93	5/3/95, 60 FR 21707.	
Section 16 ...	Paper Coating	1/11/93	5/3/95, 60 FR 21707.	
Section 17 ...	Fabric Coating	1/11/93	5/3/95, 60 FR 21707.	

EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Section 18	Vinyl Coating	1/11/93	5/3/95, 60 FR 21707.	EPA effective date for Sections 50(a)(5) and 50(b)(3) is 5/1/98.
Section 19	Coating of Metal Furniture	1/11/93	5/3/95, 60 FR 21707.	
Section 20	Coating of Large Appliances	1/11/93	5/3/95, 60 FR 21707.	
Section 21	Coating of Magnet Wire	11/29/94	01/26/96, 61 FR 2419.	
Section 22	Coating of Miscellaneous Metal Parts.	1/11/93	5/3/95, 60 FR 21707.	
Section 23	Coating of Flat Wood Panelling	1/11/93	5/3/95, 60 FR 21707.	
Section 24	Bulk Gasoline Plants	1/11/93	5/3/95, 60 FR 21707.	
Section 25	Bulk Gasoline Terminals	11/29/94	01/26/96, 61 FR 2419.	
Section 26	Gasoline Dispensing Facility—Stage I Vapor Recovery.	1/11/02	11/14/03 68 FR 64540.	
Section 27	Gasoline Tank Trucks	1/11/93	5/3/95, 60 FR 21707.	
Section 28	Petroleum Refinery Sources	1/11/93	5/3/95, 60 FR 21707.	
Section 29	Leaks from Petroleum Refinery Equipment.	11/29/94	01/26/96, 61 FR 2419.	
Section 30	Petroleum Liquid Storage in External Floating Roof Tanks.	11/29/94	01/26/96, 61 FR 2419.	
Section 31	Petroleum Liquid Storage in Fixed Roof Tanks.	11/29/94	01/26/96, 61 FR 2419.	
Section 32	Leaks from Natural Gas/Gasoline Processing Equipment.	11/29/94	01/26/96, 61 FR 2419.	
Section 33	Solvent Metal Cleaning and Drying	11/11/01	11/22/02 67 FR 70315.	
Section 34	Cutback and Emulsified Asphalt	1/11/93	5/3/95, 60 FR 21707.	
Section 35	Manufacture of Synthesized Pharmaceutical Products.	11/29/94	01/26/96, 61 FR 2419.	
Section 36	Stage II Vapor Recovery	1/11/93	6/10/94, 59 FR 29956.	
Section 37	Graphic Arts Systems	11/29/94	01/26/96, 61 FR 2419.	
Section 38	Petroleum Solvent Dry Cleaners	1/11/93	5/3/95, 60 FR 21707.	
Section 39	Perchloroethylene Dry Cleaning	1/11/93	5/3/95, 60 FR 21707.	
Section 40	Leaks from Synthetic Organic Chemical, Polymer, and Resin Manufacturing Equipment.	1/11/93	5/3/95, 60 FR 21707.	
Section 41	Manufacture of High-Density Polyethylene, Polypropylene and Polystyrene Resins.	1/11/93	5/3/95, 60 FR 21707.	
Section 42	Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry.	1/11/93	5/3/95, 60 FR 21707.	
Section 43	Bulk Gasoline Marine Tank Vessel Loading Facilities.	11/29/94	01/26/96, 61 FR 2419.	
Section 44	Batch Processing Operations	11/29/94	01/26/96, 61 FR 2419.	
Section 45	Industrial Cleaning Solvents	11/29/94	01/26/96, 61 FR 2419.	
Section 47	Offset Lithographic Printing	11/29/94	05/14/97, 62 FR 26399.	
Section 48	Reactor Processes and Distillation Operations in the Synthetic Organic Chemical Manufacturing Industry.	11/29/94	01/26/96, 61 FR 2419.	
Section 49	Control of Volatile Organic Compound Emissions from Volatile Organic Liquid Storage Vessels.	11/29/94	01/26/96, 61 FR 2419.	
Section 50	Other Facilities that Emit Volatile Organic Compounds (VOCs).	11/29/94	03/12/97, 62 FR 11329	
Appendix “A”	Test Methods and Compliance Procedures: General Provisions.	11/29/94	01/26/96, 61 FR 2419.	
Appendix “B”	Test Methods and Compliance Procedures: Determining the Volatile Organic Compound (VOC) Content of Coatings and Inks.	1/11/93	5/3/95, 60 FR 21707.	
Appendix “C”	Test Methods and Compliance Procedures: Alternative Compliance Methods for Surface Coating.	1/11/93	5/3/95, 60 FR 21707.	
Appendix “D”	Test Methods and Compliance Procedures: Emission Capture and Destruction or Removal Efficiency and Monitoring Requirements.	11/29/94	01/26/96, 61 FR 2419.	
Appendix “E”	Test Methods and Compliance Procedures: Determining the Destruction or Removal Efficiency of a Control Device.	1/11/93	5/3/95, 60 FR 21707.	

EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Appendix "F"	Test Methods and Compliance Procedures: Leak Detection Methods for Volatile Organic Compounds (VOCs).	1/11/93	5/3/95, 60 FR 21707.	
Appendix "G"	Performance Specifications for Continuous Emissions Monitoring of Total Hydrocarbons.	1/11/93	5/3/95, 60 FR 21707.	
Appendix "H"	Quality Control Procedures for Continuous Emission Monitoring Systems (CEMS).	1/11/93	5/3/95, 60 FR 21707.	
Appendix "I"	Method to Determine Length of Rolling Period for Liquid—Liquid Material Balance Method.	11/29/94	01/26/96, 61 FR 2419.	
Appendix "J"	Procedures for Implementation of Regulations Covering Stage II Vapor Recovery Systems for Gasoline Dispensing Facilities.	1/11/93	6/10/94, 59 FR 29956.	
Appendix "J1"	Certified Stage II Vapor Recovery Systems.	1/11/93	6/10/94, 59 FR 29956.	
Appendix "J2"	Pressure Decay/Leak Test Procedure for Verification of Proper Functioning of Stage I & Stage II Vapor Recovery Equipment.	1/11/93	6/10/94, 59 FR 29956.	
Appendix "J3"	Dynamic Backpressure (Dry) Test and Liquid Blockage (Wet) Test Procedure for Verification of Proper Functioning of Stage II Vapor Balance Recovery Systems.	01/11/93	6/10/94, 59 FR 29956.	
Appendix "K"	Emission Estimation Methodologies	11/29/94	01/26/96, 61 FR 2419.	
Appendix "L"	Method to Determine Total Organic Carbon for Offset Lithographic Solutions.	11/29/94	01/26/96, 61 FR 2419.	
Appendix "M"	Test Method for Determining the Performance of Alternative Cleaning Fluids.	11/29/94	01/26/96, 61 FR 2419.	

Regulation 25 Requirements for Preconstruction Review

Section 1	General Provisions	1/1/93 (As Revised 5/1/99)	2/7/01, 66 FR 9211	Excluding §§ 1.2, 1.6, 1.9(L), 1.9(M), 1.9(N), 1.9(O), which relate to Prevention of Significant Deterioration.
Section 2	Emission Offset Provisions (EOP) ...	1/1/93 (As Revised 5/1/99)	2/7/01, 66 FR 9211.	
Section 3	Prevention of Significant Deterioration of Air Quality.	5/15/90	01/27/93, 58 FR 26689.	

Regulation 26 Motor Vehicle Emissions Inspection Program

Section 1	Applicability and Definitions	2/12/01	11/27/03, 68 FR 66343	Regulation 26 provisions apply to Sussex County only, effective November 1, 1999.
Section 2	General Provisions	2/12/01	11/27/03, 68 FR 66343.	
Section 3	Registration Requirement	5/9/85	12/08/86, 51 FR 44068.	
Section 4	Exemptions	2/12/01	11/27/03, 68 FR 66343.	
Section 5	Enforcement	7/6/82	10/17/83, 48 FR 46986.	
Section 6	Compliance, Waivers, Extensions of Time.	2/12/01	11/27/03, 68 FR 66343.	
Section 7	Inspection Facility Requirements	7/6/82	10/17/83, 48 FR 46986.	
Section 8	Certification of Motor Vehicle Officers.	7/6/82	10/17/83, 48 FR 46986.	
Section 9	Calibration and Test Procedures and Approved Equipment.	2/12/01	11/27/03, 68 FR 66343.	
Technical Memorandum 1.	Delaware Division of Motor Vehicles Vehicle Exhaust Emissions Test.	2/12/01	11/27/03, 68 FR 66343.	

EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Regulation 27 Stack Heights				
Section 1	General Provisions	4/18/83	09/21/83, 48 FR 42979.	
Section 2	Definitions Specific to this Regulation.	12/7/88	06/29/90, 55 FR 26689.	
Section 3	Requirements for Existing and New Sources.	2/18/87	06/29/90, 55 FR 26689.	
Section 4	Public Notification	2/18/87	06/29/90, 55 FR 26689.	
Regulation 31 Low Enhanced Inspection and Maintenance Program				
Section 1	Applicability	10/11/01	11/27/03, 68 FR 66343.	
Section 2	Low Enhanced I/M Performance Standard.	10/11/01	11/27/03, 68 FR 66343.	
Section 3	Network Type and Program Evaluation.	10/11/01	11/27/03, 68 FR 66343.	
Section 4	Test Frequency and Convenience ..	6/11/99	9/30/99, 64 FR 52657.	
Section 5	Vehicle Coverage	10/11/01	11/27/03, 68 FR 66343.	
Section 6	Test Procedures and Standards	10/11/01	11/27/03, 68 FR 66343.	
Section 7	Waivers and Compliance via Diagnostic Inspection.	10/11/01	11/27/03, 68 FR 66343.	
Section 8	Motorist Compliance Enforcement ..	10/11/01	11/27/03, 68 FR 66343.	
Section 9	Enforcement Against Operators and Motor Vehicle Technicians.	10/11/01	11/27/03, 68 FR 66343.	
Section 10	Improving Repair Effectiveness	8/13/98	9/30/99, 64 FR 52657.	
Section 11	Compliance with Recall Notices	8/13/98	9/30/99, 64 FR 52657.	
Section 12	On-Road Testing	8/13/98	9/30/99, 64 FR 52657.	
Section 13	Implementation Deadlines	10/11/01	11/27/03, 68 FR 66343.	
Appendix 1(d)	Commitment to Extend the I/M Program to the Attainment Date From Secretary Tulou to EPA Administrator W. Michael McCabe.	8/13/98	9/30/99, 64 FR 52657.	
Appendix 3(a)(7).	Exhaust Emission Limits According to Model Year.	8/13/98	9/30/99, 64 FR 52657.	
Appendix 3(c)(2).	VMASTM Test Procedure	6/11/99	9/30/99, 64 FR 52657.	
Appendix 4(a)	Sections from Delaware Criminal and Traffic Law Manual.	8/13/98	9/30/99, 64 FR 52657.	
Appendix 5(a)	Division of Motor Vehicles Policy on Out of State Renewals.	8/13/98	9/30/99, 64 FR 52657.	
Appendix 5(f)	New Model Year Clean Screen	10/11/01	11/27/03, 68 FR 66343.	
Appendix 6(a)	Idle Test Procedure	10/11/01	11/27/03, 68 FR 66343.	
Appendix 6(a)(5).	Vehicle Emission Repair Report Form.	8/13/98	9/30/99, 64 FR 52657.	
Appendix 6(a)(8).	Evaporative System Integrity (Pressure) Test.	10/11/01	11/27/03, 68 FR 66343.	
Appendix 6(a)(9).	On-board Diagnostic Test Procedure OBD II Test Procedure.	10/11/01	11/27/03, 68 FR 66343.	
Appendix 7(a)	Emission Repair Technician Certification Process.	8/13/98	9/30/99, 64 FR 52657.	
Appendix 8(a)	Registration Denial System Requirements Definition.	8/13/98	9/30/99, 64 FR 52657.	
Appendix 9(a)	Enforcement Against Operators and Inspectors.	10/11/01	11/27/03, 68 FR 66343.	
Regulation 35 Conformity of General Federal Actions to the State Implementation Plans				
Section 1	Purpose	8/14/96	7/15/97, 62 FR 37722.	
Section 2	Definitions	8/14/96	07/15/97, 62 FR 37722.	
Section 3	Applicability	8/14/96	07/15/97, 62 FR 37722.	
Section 4	Conformity Analysis	8/14/96	07/15/97, 62 FR 37722.	
Section 5	Reporting Requirements	8/14/96	07/15/97, 62 FR 37722.	
Section 6	Public Participation and Consultation.	8/14/96	07/15/97, 62 FR 37722.	
Section 7	Frequency of Conformity Determinations.	8/14/96	07/15/97, 62 FR 37722.	
Section 8	Criteria for Determining Conformity of General Federal Actions.	8/14/96	07/15/97, 62 FR 37722.	
Section 9	Procedures for Conformity Determinations of General Federal Actions.	8/14/96	07/15/97, 62 FR 37722.	

EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation	
Section 10	Mitigation of Air Quality Impacts	8/14/96	07/15/97, 62 FR 37722.		
Section 11	Savings Provision	8/14/96	07/15/97, 62 FR 37722.		
Regulation 37 NO _x Budget Program					
Section 1	General Provisions	12/11/99	3/9/00, 65 FR 12481.		
Section 2	Applicability	12/11/99	3/9/00, 65 FR 12481.		
Section 3	Definitions	12/11/99	3/9/00, 65 FR 12481.		
Section 4	Allowance Allocation	12/11/99	3/9/00, 65 FR 12481.		
Section 5	Permits	12/11/99	3/9/00, 65 FR 12481.		
Section 6	Establishment of Compliance Accounts.	12/11/99	3/9/00, 65 FR 12481.		
Section 7	Establishment of General Accounts	12/11/99	3/9/00, 65 FR 12481.		
Section 8	Opt In Provisions	12/11/99	3/9/00, 65 FR 12481.		
Section 9	New Budget Source Provisions	12/11/99	3/9/00, 65 FR 12481.		
Section 10	NO _x Allowance Tracking System (NATS).	12/11/99	3/9/00, 65 FR 12481.		
Section 11	Allowance Transfer	12/11/99	3/9/00, 65 FR 12481.		
Section 12	Allowance Banking	12/11/99	3/9/00, 65 FR 12481.		
Section 13	Emission Monitoring	12/11/99	3/9/00, 65 FR 12481.		
Section 14	Recordkeeping	12/11/99	3/9/00, 65 FR 12481.		
Section 15	Emissions Reporting	12/11/99	3/9/00, 65 FR 12481.		
Section 16	End-of Season Reconciliation	12/11/99	3/9/00, 65 FR 12481.		
Section 17	Compliance Certification	12/11/99	3/9/00, 65 FR 12481.		
Section 18	Failure to Meet Compliance Requirements.	12/11/99	3/9/00, 65 FR 12481.		
Section 19	Program Audit	12/11/99	3/9/00, 65 FR 12481.		
Section 20	Program Fees	12/11/99	3/9/00, 65 FR 12481.		
Appendix “A”	NO _x Budget Program	12/11/99	3/9/00, 65 FR 12481.		
Regulation 39 Nitrogen Oxides (NO _x) Budget Trading Program					
Section 1	Purpose	12/11/00	5/17/01, 66 FR 27459.		
Section 2	Emission Limitation	12/11/00	5/17/01, 66 FR 27459.		
Section 3	Applicability	12/11/00	5/17/01, 66 FR 27459.		
Section 4	Definitions	12/11/00	5/17/01, 66 FR 27459.		
Section 5	General Provisions	12/11/00	5/17/01, 66 FR 27459.		
Section 6	NO _x Authorized Account Representative for NO _x Budget Sources.	12/11/00	5/17/01, 66 FR 27459.		
Section 7	Permits	12/11/00	5/17/01, 66 FR 27459.		
Section 8	Monitoring and Reporting	12/11/00	5/17/01, 66 FR 27459.		
Section 9	NATS	12/11/00	5/17/01, 66 FR 27459.		
Section 10	NO _x Allowance Transfers	12/11/00	5/17/01, 66 FR 27459.		
Section 11	Compliance Certification	12/11/00	5/17/01, 66 FR 27459.		
Section 12	End-of-Season Reconciliation	12/11/00	5/17/01, 66 FR 27459.		
Section 13	Failure to Meet Compliance Requirements.	12/11/00	5/17/01, 66 FR 27459.		
Section 14	Individual Unit Opt-Ins	12/11/00	5/17/01, 66 FR 27459.		
Section 15	General Accounts	12/11/00	5/17/01, 66 FR 27459.		
Appendix A ...	Allowance Allocations to NO _x Budget Units Under Section 3(a)(1)(i) and 3(a)(1)(ii) of Regulation No. 39.	12/11/00	5/17/01, 66 FR 27459.		
Appendix B ...	Regulation No. 37—Regulation No. 39 Program Transition.	12/11/00	5/17/01, 66 FR 27459.		
Regulation 40 Delaware’s National Low Emission Vehicle (NLEV) Regulation					
Section 1	Applicability	10/11/99	12/28/99, 64 FR 72564		Issued on September 1, 1999 by Secretary’s Order No. 99–A–0046.
Section 2	Definitions	10/11/99	12/28/99, 64 FR 72564.		
Section 3	Program Participation	10/11/99	12/28/99, 64 FR 72564.		
Regulation 41 Limiting Emissions of Volatile Organic Compounds From Consumer and Commercial Products					
Section 1	Architectural and Industrial Maintenance Coatings.	03/11/02	11/22/02, 67 FR 70315.		
Section 2	Commercial Products	01/11/02	11/22/02, 67 FR 70315.		
Section 3	Portable Fuel Containers	11/11/01	11/22/02, 67 FR 70315.		

EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Regulation 42 Specific Emission Control Requirements				
Section 1	Control of NO _x Emissions from Industrial Boilers.	12/11/01	11/22/02, 67 FR 70315.	

(d) *EPA approved State source-specific requirements.*

EPA-APPROVED DELAWARE SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Additional explanation
Getty Oil Co	75-A-4	8/5/75	3/7/79, 44 FR 12423	52.420(c)(11).
Phoenix Steel Co.—Electric Arc Furnaces Charging & Tapping #2.	77-A-8	12/2/77	7/30/79	52.420(c)(12).
Delmarva Power & Light—Indian River.	89-A-7/APC 89/197	2/15/89	1/22/90, 55 FR 2067	52.420(c)(38).
SPI Polyols, Inc	Secretary's Order No. 2000-A-0033.	7/11/00	6/14/01, 66 FR 32231	Polyhydrate Alcohol's Catalyst Regenerative Process—Approved NO _x RACT Determination.
Citisteel	Secretary's Order No. 2000-A-0033.	7/11/00	6/14/01, 66 FR 32231	Electric Arc Furnace—Approved NO _x RACT Determination.
General Chemical Corp	Secretary's Order No. 2000-A-0033.	7/11/00	6/14/01, 66 FR 32231	(1) Sulfuric Acid Process & Interstage Absorption System. (2) Metallic Nitrite Process—Approved NO _x RACT Determinations.

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[FR Doc. 07-1648 Filed 4-2-07; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070213033-7033-01; I.D. 032807A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 ft (18.3 m) LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels less than 60 ft (18.3 meters (m)) length overall (LOA) using pot or hook-and-

line gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2007 Pacific cod total allowable catch (TAC) allocated to catcher vessels less than 60 ft (18.3 m) LOA using pot or hook-and-line gear in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 30, 2007, through 2400 hrs, A.l.t., December 31, 2007.

FOR FURTHER INFORMATION CONTACT: Jennifer Hogan, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2007 and 2008 final harvest specification for groundfish in the BSAI (72 FR 9451, March 2, 2007), and the reallocation on March 5, 2007 (72 FR

10428, March 8, 2007) allocated a directed fishing allowance for Pacific cod of 2,321 metric tons to catcher vessels less than 60 ft (18.3 m) LOA using pot or hook-and-line gear in the BSAI. See § 679.20(c)(3)(iii) and (c)(5), and (a)(7)(i)(C).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that the 2007 Pacific cod directed fishing allowance allocated to catcher vessels less than 60 ft (18.3 m) LOA using pot or hook-and-line gear in the BSAI has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels less than 60 ft (18.3 m) LOA using pot or hook-and-line gear in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment