

allows the bridge to remain in the closed-to-navigation position.

**DATES:** This deviation is effective without actual notice from July 29, 2016 through 6 a.m. on Friday, September 30, 2016. For the purposes of enforcement, actual notice will be used from 8 p.m. on Monday, July 25, 2016, until July 29, 2016.

**ADDRESSES:** The docket for this deviation, [USCG–2016–0668] is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH”. Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Mr. Michael Thorogood, Bridge Administration Branch Fifth District, Coast Guard, telephone 757–398–6557, email [Michael.R.Thorogood@uscg.mil](mailto:Michael.R.Thorogood@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Virginia Department of Transportation, who owns and operates the SR 156/ Benjamin Harrison Memorial Bridge across the James River, mile 65.0, at Hopewell, VA, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.5, to facilitate replacement of the service elevators for both lift towers, install new electrical wiring, bird screens, and structural steel of the bridge. Under this temporary deviation, the bridge will be in the closed-to-navigation position from 8 p.m. to 6 a.m.; Monday through Thursday; July 25, 2016 to July 29, 2016; August 1, 2016 to August 5, 2016; September 5, 2016 to September 9, 2016; September 12, 2016 to September 16, 2016; and alternative dates from September 19, 2016 to September 23, 2016; and September 26, 2016 to September 30, 2016. The bridge will open for vessels on signal during scheduled closure periods, if at least 24 hours notice is given. The bridge is a vertical lift bridge has a vertical clearance of 50 feet in the closed-to-navigation position above mean water.

The James River is used by a variety of vessels including deep-draft vessels, tug and barge traffic, and recreational vessels. The Coast Guard has carefully coordinated the restrictions with waterway users in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed-to-navigation position may do so at anytime. The bridge will be able to open for emergencies during scheduled closure periods, if at least 30 minutes notice is given. The Coast Guard will also inform the users of the waterway through our

Local Notice and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: July 25, 2016.

**Hal R. Pitts,**

*Bridge Program Manager, Fifth Coast Guard District.*

[FR Doc. 2016–17976 Filed 7–28–16; 8:45 am]

**BILLING CODE 9110–04–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R04–OAR–2016–0129; FRL–9949–65–Region 4]

### Air Plan Approval; Alabama: Volatile Organic Compounds

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a revision to the Alabama State Implementation Plan (SIP) submitted by the Alabama Department of Environmental Management (ADEM) on October 26, 2015. The revision modifies the definition of “volatile organic compounds” (VOC). Specifically, the revision adds three compounds to the list of those excluded from the VOC definition on the basis that these compounds make a negligible contribution to tropospheric ozone formation. This action is being taken pursuant to the Clean Air Act (CAA or Act).

**DATES:** This direct final rule is effective September 27, 2016 without further notice, unless EPA receives adverse comment by August 29, 2016. If EPA receives such comments, it 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–2016–0129 at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*.

EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

### FOR FURTHER INFORMATION CONTACT:

Richard Wong, Air Regulatory Management Section, Air Planning and Implementation 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) 562–8726. Mr. Wong can also be reached via electronic mail at [wong.richard@epa.gov](mailto:wong.richard@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Background

Tropospheric ozone, commonly known as smog, occurs when VOC and nitrogen oxides (NO<sub>x</sub>) react in the atmosphere in the presence of sunlight. Because of the harmful health effects of ozone, EPA and state governments limit the amount of VOCs and NO<sub>x</sub> that can be released into the atmosphere. VOC are those compounds of carbon (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate) that 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.

Section 302(s) of the CAA specifies that EPA has the authority to define the meaning of “VOC,” and hence what compounds shall be treated as VOC for regulatory purposes. It has been EPA’s policy that compounds of carbon with negligible reactivity need not be regulated to reduce ozone and should be excluded from the regulatory definition of VOC. *See* 42 FR 35314 (July 8, 1977), 70 FR 54046 (September 13, 2005). 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 or delete compounds.

EPA issued final rules approving the addition of three compounds to the list of those compounds excluded from the regulatory definition of VOC. The three compounds are: trans 1-chloro-3,3,3-trifluoroprop-1-ene (Solstice™ 1233zd(E)), 78 FR 53029 (August 28, 2013); 2,3,3,3-tetrafluoropropene, 78 FR 62451 (October 22, 2013); and 2-amino-2-methyl-1-propanol (AMP), 79 FR 17037 (March 27, 2014). Alabama is updating its SIP to be consistent with those changes to federal regulations.

## II. Analysis of State’s Submittal

On October 26, 2015, ADEM submitted a SIP revision<sup>1</sup> to EPA for review and approval. The revision modifies the definition of VOC found at Alabama Administrative Code section 335–3–1–.02(gggg). Specifically, the revision adds three compounds—trans 1-chloro-3,3,3-trifluoroprop-1-ene (Solstice™ 1233zd(E)); 2,3,3,3-tetrafluoropropene; and 2-amino-2-methyl-1-propanol (AMP)—to the list of those excluded from the VOC definition on the basis that each of these compounds makes a negligible contribution to tropospheric ozone formation.

These changes are consistent with section 110 of the CAA and meet the regulatory requirements pertaining to SIPs. Pursuant to CAA section 110(l), the Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in CAA section 171), or any other applicable requirement of the Act. The revision to Rule 335–3–1–.02(gggg) is approvable under section 110(l) because

it reflects changes to federal regulations based on findings that the three aforementioned compounds are negligibly reactive.

## III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of Alabama Regulation section 335–3–1–.02 “Definitions,” effective November 24, 2015, which revised the definition of VOC. Therefore, this material has been approved by EPA for inclusion in the State implementation plan, has been incorporated by reference by EPA into that plan, is fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA’s approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.<sup>2</sup> EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and/or at the EPA Region 4 Office (please contact the person identified in the “For Further Information Contact” section of this preamble for more information).

## IV. Final Action

Pursuant to section 110 of the CAA, EPA is approving the revision to the Alabama SIP changing the VOC definition. EPA has evaluated Alabama’s October 26, 2015, submittal and has determined that it meets the applicable requirements of the CAA and EPA regulations and is consistent with EPA policy.

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 September 27, 2016 without further notice unless the Agency receives adverse comments by August 29, 2016.

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 September 27, 2016 and no further action will be taken on the proposed rule.

## V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- 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);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

<sup>1</sup> Alabama’s October 26, 2015, submission to EPA also included changes to Alabama Administrative Code Chapters 335–3–5 and 335–3–8 to implement EPA’s Cross-State Air Pollution Rule and changes to the State’s Regional Haze Plan. EPA is not taking action on those changes at this time. In addition, Alabama’s October 26, 2015, submission included changes to Chapters 335–3–10 (New Source Performance Standards (NSPS)) and 335–3–11 (National Emissions Standards for Hazardous Air Pollutants (NESHAP)). The NSPS and NESHAP are not part of the federally approved Alabama SIP, thus EPA is not taking any action regarding Chapters 335–3–10 and 335–3–11 in today’s rulemaking.

<sup>2</sup> 62 FR 27968 (May 22, 1997).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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 action 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 September 27, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today’s **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. 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: July 15, 2016.

**Heather McTeer Toney**,  
Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

### Subpart B—Alabama

- 2. Section 52.50(c) is amended by revising the entry for “Section 335–3–1–.02” to read as follows:

#### § 52.50 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

## EPA APPROVED ALABAMA REGULATIONS

| State citation                            | Title/subject     | State effective date | EPA approval date                                    | Explanation                                    |
|-------------------------------------------|-------------------|----------------------|------------------------------------------------------|------------------------------------------------|
| <b>Chapter 335–3–1—General Provisions</b> |                   |                      |                                                      |                                                |
| * * * * *                                 | * * * * *         | * * * * *            | * * * * *                                            | * * * * *                                      |
| Section 335–3–1–.02 .....                 | Definitions ..... | 11/24/2015           | 7/29/2016 [Insert <b>Federal Register</b> citation]. | Revised paragraph (gggg) (definition of “VOC”) |
| * * * * *                                 | * * * * *         | * * * * *            | * * * * *                                            | * * * * *                                      |

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[FR Doc. 2016–17815 Filed 7–28–16; 8:45 am]

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