

directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs the EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This change to 40 CFR part 2 is administrative in nature and does not involve technical standards. Therefore, the EPA did not consider the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

The EPA has determined that the direct final action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because the correction noted does not affect the level of protection provided to human health or the environment. The change to 40 CFR part 2 is administrative in nature and therefore does not affect the level of protection provided to human health or the environment.

K. Congressional Review Act

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. The 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 U.S. 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). This rule will be effective December 1, 2011.

List of Subjects in 40 CFR Part 2

Environmental protection, Administrative practice and procedure, Reporting and recordkeeping requirements.

Dated: October 11, 2011.

Lisa P. Jackson,
Administrator.

For the reasons stated in the preamble, title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 2—[AMENDED]

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 301, 552 (as amended), 553; sec. 114, Clean Air Act (as amended) (42 U.S.C. 7414).

Subpart B—[Amended]

§ 2.301 [Amended]

■ 2. Section 2.301 is amended by:

■ a. In paragraph (d)(1) introductory text, revising the phrase "pursuant to section 114(c) of the Clean Air Act and 5 U.S.C. 553(c)" to read "pursuant to sections 114(c) and 307(d) of the Clean Air Act".

■ b. In the first sentence of paragraph (d)(2), revising the phrase "pursuant to section 114(c) of the Clean Air Act and 5 U.S.C. 553(c)" to read "pursuant to sections 114(c) and 307(d) of the Clean Air Act".

■ c. In the first sentence of paragraph (d)(3), revising the phrase "pursuant to section 114(c) of the Clean Air Act and 5 U.S.C. 553(c)" to read "pursuant to sections 114(c) and 307(d) of the Clean Air Act".

■ d. In the second sentence of paragraph (d)(4) introductory text, revising the phrase "pursuant to section 114(c) of the Clean Air Act and 5 U.S.C. 553(c)" to read "pursuant to sections 114(c) and 307(d) of the Clean Air Act".

■ e. In paragraph (d)(4)(i), revising the phrase "pursuant to section 114(c) of the Clean Air Act and 5 U.S.C. 553(c)" to read "pursuant to sections 114(c) and 307(d) of the Clean Air Act".

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2011-0610; FRL-9479-4]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Drum and Pail Coatings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maryland. This SIP revision includes amendments to the Code of Maryland (COMAR) 26.11.19.13, Volatile Organic Compounds from Specific Processes, Drum and Pail Coating. Maryland's SIP revision meets the requirement to adopt Reasonably Available Control Technology (RACT) for sources covered by EPA's Control Techniques Guidelines (CTG) standards for drum and pail coatings and will help Maryland attain and maintain the National Ambient Air Quality Standard (NAAQS) for ozone. EPA is approving this revision concerning the adoption of the CTG requirements for drum and pail coatings in accordance with the requirements of the Clean Air Act (CAA).

DATES: *Effective Date:* This final rule is effective on November 16, 2011.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2011-0610. All documents in the docket are listed in the <http://www.regulations.gov> website. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (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 through <http://www.regulations.gov> or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT: Irene Shandruk, (215) 814–2166, or by e-mail at *shandruk.irene@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(b)(2) of the CAA, 42 U.S.C. 7511a(b)(2), requires that states having moderate nonattainment areas for ozone revise their SIP to include provisions requiring the implementation of RACT for certain sources, including categories of volatile organic compound (VOC) sources covered by a CTG document issued by the Administrator between November 15, 1990 and the date of attainment. EPA originally developed CTG standards for miscellaneous metal and plastic

products in 1978, which includes drum and pail coating, and revised them in 2008. Maryland subsequently made changes to its SIP which adopted EPA’s CTG standards for drum and pail coatings. The formal SIP revision was submitted by Maryland to EPA on June 22, 2011. On August 18, 2011 (76 FR 51314), EPA published a notice of proposed rulemaking (NPR) for Maryland. The NPR proposed approval of Maryland’s SIP revision for adoption of the CTG standards for drum and pail coatings. No comments were received on the NPR.

II. Summary of SIP Revision

On June 22, 2011, the Maryland Department of the Environment (MDE) submitted to EPA a SIP revision (#11–

04) concerning the adoption of the emission limits for drum and pail coatings, part of the EPA miscellaneous metal and plastic parts coatings CTG. EPA develops CTGs as guidance on control requirements for source categories. States can follow the CTGs or adopt more restrictive standards. The State of Maryland has adopted EPA’s CTG standards for drum and pail coatings. This regulation is found in COMAR 26.11.19, Volatile Organic Compounds from Specific Processes. Specifically, this revision amends the existing regulation at Section 26.11.19.13 by making it specific to drum and pail coating processes and adopting emission limits (Table 1) for this industry.

TABLE 1—DRUM AND PAIL COATING STANDARDS

Coating types	lbs VOC/gallon coating (minus water)	kg VOC/liter coating (minus water)
New, Exterior	2.8	0.34
New, Interior	3.5	0.42
Reconditioned, Exterior	3.5	0.42
Reconditioned, Interior	4.2	0.50

Other specific requirements concerning this rulemaking and the rationale for EPA’s action are explained in the NPR and the Technical Support Document (TSD) and will not be restated here. No public comments were received on the NPR.

III. Final Action

EPA is approving Maryland’s adoption of the CTG requirements for drum and pail coatings as a revision to the Maryland SIP.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 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 Order 12866 (58 FR 51735, October 4, 1993);

- 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).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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 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).

C. Petitions for Judicial Review

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 December 16, 2011. 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. This action concerning Maryland's adoption of CTG

standards for drum and pail coatings 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, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: October 5, 2011.

W.C. Early,

Acting Regional Administrator, Region III.

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 V—Maryland

■ 2. In § 52.1070, the table in paragraph (c) is amended by revising the entry for COMAR 26.11.19.13 to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS IN THE MARYLAND SIP

Code of Maryland administrative regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
* * * * *	26.11.19 Volatile Organic Compounds from Specific Processes	* * * * *	* * * * *	* * * * *
26.11.19.13	Drum and Pail Coating	5/16/11	10/17/11 [Insert page number where the document begins].	Revisions to Section title and Sections .13A, .13B, and .13C and addition of new Section .13D.
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[SC-201152; FRL-9480-3]

Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Update to Materials Incorporated by Reference; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendment.

SUMMARY: On April 25, 2011, EPA published a final rule providing the public with notice of the update to the South Carolina State Implementation Plan (SIP) compilation. This action corrects typographical errors in the regulatory language in EPA's April 25, 2011, final rule.

DATES: This action is effective October 17, 2011.

ADDRESSES: Copies of the documentation used in the action being

corrected are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Lynorae Benjamin, Chief, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Ms. Benjamin can be reached at 404-562-9040, or via electronic mail at benjamin.lynorae@epa.gov.

SUPPLEMENTARY INFORMATION: This action corrects typographical errors in the regulatory language for several entries that appear in paragraphs (c) and (e) of South Carolina's Identification of Plan at 40 CFR 52.2120. The final action, which provided the public with notice of the update to the South Carolina SIP compilation, was approved by EPA on April 25, 2011 (76 FR 22817). However, EPA inadvertently cited, incorrect State effective dates, EPA

approval dates, and **Federal Register** notice citations. Therefore, EPA is correcting these typographical errors by inserting the correct entries into paragraphs (c) and (e) of 40 CFR 52.2120.

EPA has determined that today's action falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation where public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest. Public notice and comment for this action are unnecessary because today's action to correct inadvertent errors contained in paragraphs (c) and (e) of 40 CFR 52.2120 of the rulemaking and has no substantive impact on EPA's April 25, 2011, approval. In addition, EPA can identify no particular reason why the public would be interested in being notified of the correction, or in having the opportunity to comment on the correction prior to this action being finalized, since this correction action does not change the meaning of EPA's action to approve the changes to