

The pollutants that comprise the inventory are nitrogen oxides (NO_x), volatile organic compounds (VOC), and carbon monoxide (CO).

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2015-0404; FRL-9934-92-Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Metal Furniture Coatings and Miscellaneous Metal Parts Coatings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Maryland. The revision includes amendments to Maryland's regulation for the control of volatile organic compounds (VOC) and meets the requirement to adopt reasonably available control technology (RACT) for sources covered by EPA's Control Techniques Guidelines (CTG) standards for coatings for metal furniture and miscellaneous metal parts. These amendments will reduce emissions of VOC from these source categories and assist Maryland to attain and maintain the national ambient air quality standard (NAAQS) for ozone. EPA is approving this revision to reduce VOC emissions in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on November 2, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2015-0404. All documents in the docket are listed in the www.regulations.gov Web site. 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 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: Ellen Schmitt, (215) 814-5787, or by email at schmitt.ellen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On July 17, 2015 (80 FR 42459), EPA published a notice of proposed rulemaking (NPR) for the State of Maryland, proposing approval of Maryland's SIP submittal which includes amendments to the State's regulation for the control of VOCs and adopts the requirements of EPA's CTGs for the coating of metal furniture and miscellaneous metal parts, as RACT for these source categories. The formal SIP revision (#14-02) was submitted by the State of Maryland on July 28, 2014.

Section 172(c)(1) of the CAA provides that SIPs for nonattainment areas must include reasonably available control measures (RACT), including RACT for sources of emissions. Section 182(b)(2)(A) provides that for certain nonattainment areas, states must revise their SIPs to include RACT for sources of VOC emissions covered by a CTG document issued after November 15, 1990 and prior to the area's date of attainment. States can follow the CTGs and adopt state regulations to implement the recommendations contained therein, or they can adopt alternative approaches. In either case, states must submit their RACT rules to EPA for review and approval as part of the SIP process.

In September 2007, EPA published a new CTG for Metal Furniture Coatings (EPA-453/R-07-005), and in September 2008, EPA published a new CTG for Miscellaneous Metal and Plastic Parts Coatings (EPA-453/R-08-003). These CTGs discuss the nature of VOC emissions from these industries, the available control technologies for addressing such emissions, the cost of available control options, and other information. EPA developed new CTGs for these industries after reviewing existing state and local VOC emission reduction approaches, new source performance standards (NSPS), previously issued CTGs, and national emission standards for hazardous air pollutants (NESHAP) for these source categories.

II. Summary of SIP Revision

On July 28, 2014, the State of Maryland through the Maryland Department of the Environment (MDE) submitted to EPA a SIP revision (#14-02) concerning the adoption of the emission limits for metal furniture coatings found in the Metal Furniture Coatings CTG and miscellaneous metal parts coatings found in the Miscellaneous Metal and Plastic Parts Coatings CTG. Maryland has adopted EPA's CTG standards for metal furniture and miscellaneous metal parts coating processes by amending Regulation .08 under COMAR 26.11.19, Volatile Organic Compounds from Specific Sources. Specifically, this revision amends the existing regulation in section 26.11.19.08 by adding coating standards for both metal furniture and miscellaneous metal parts that are either equal to or more stringent than the coating standards found in EPA's CTGs. Additionally, new definitions and application methods were added to COMAR section 26.11.19.08. A detailed summary of Maryland's amendments and EPA's review of and rationale for approving this SIP revision submittal may be found in the NPR and Technical Support Document (TSD) for this rulemaking action which is available online at www.regulations.gov, Docket number EPA-R03-OAR-2015-0404.

III. Final Action

EPA is approving the State of Maryland's July 28, 2014 SIP submittal as a revision to the Maryland SIP. The SIP submittal being approved in this action consists of amendments to Maryland's regulation for the control of VOCs and adopts the requirements of EPA's CTGs for the coating of metal furniture and miscellaneous metal parts, as RACT for these source categories.

IV. Incorporation by Reference

In this rulemaking action, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the MDE rules regarding control of VOC emissions from metal furniture and miscellaneous metal parts coatings as described in Section II of this rulemaking action. The EPA has made, and will continue to make, these documents generally available electronically through www.regulations.gov and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

V. 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 November 30, 2015. 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 to approve amendments of Maryland's VOC control regulation into Maryland's SIP 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: September 17, 2015.

Shawn M. Garvin,

Regional Administrator, Region III.

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 V—Maryland

- 2. In § 52.1070, the table in paragraph (c) is amended by revising the entry for "26.11.19.08" to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES 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				
*	*	*	*	*
26.11.19.08	Metal Parts and Products Coating.	5/26/14	10/1/15 [<i>Insert Federal Register citation</i>].	Amends section title. Adds definitions. Section 26.11.19.08(B), Emission Standards, removed. Section 26.11.19.08(B), Incorporation by Reference, added. Section 26.11.19.08(C), Applicability and Exemptions, added.

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP—Continued

Code of Maryland Administrative Regulations (COMAR) citation	Title/Subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
*	*	*	*	*

Section 26.11.19.08(D), Emission Standards, added.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 412

[CMS-1606-CN]

RIN 0938-AS08

Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System—Update for Fiscal Year Beginning October 1, 2014 (FY 2015); Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Correction of final rule.

SUMMARY: This document corrects technical errors that appeared in the final rule published in the **Federal Register** on August 6, 2014 entitled “Inpatient Psychiatric Facilities Prospective Payment System—Update for Fiscal Year Beginning October 1, 2014 (FY 2015); Final Rule.”

DATES: Effective October 1, 2015.

FOR FURTHER INFORMATION CONTACT: Katherine Lucas or Jana Lindquist, (410) 786-7723.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2014-18329 of August 6, 2014 (79 FR 45938), there were a number of technical errors that are identified in the Summary of Errors section (section II), and corrected in the Correction of Errors section (section IV). The provisions in this correction document, which relate to the inpatient psychiatric facilities (IPF) prospective payment system (PPS) ICD-10-CM diagnosis coding conversion for comorbidities, are effective as if they had been included in the document published August 06, 2014 (FY 2015 IPF PPS final rule). While the FY 2015 IPF PPS final rule had an effective date of

October 1, 2014, the implementation of the ICD-10 code sets does not occur until October 1, 2015. Accordingly, the corrections in this document will be effective on the October 1, 2015 ICD-10 implementation date.

The FY 2015 IPF PPS final rule was effective October 1, 2014 for all updates and changes, except for the conversion of ICD-9-CM codes to ICD-10-CM codes. We noted in that final rule (79 FR 45945) that on April 1, 2014, the Protecting Access to Medicare Act of 2014 (PAMA) (Pub. L. 113-93) was enacted. Section 212 of PAMA, titled “Delay in Transition from ICD-9 to ICD-10 Code Sets,” provides that “[t]he Secretary of Health and Human Services may not, prior to October 1, 2015, adopt ICD-10 code sets as the standard for code sets under section 1173(c) of the Social Security Act (42 U.S.C. 1320d-2(c)) and section 162.1002 of title 45, Code of Federal Regulations.” We indicated that, in light of PAMA, the effective date of changes from ICD-9 to ICD-10 for the IPF PPS would be the date when ICD-10 becomes the required medical data code set for use on Medicare claims.

In that FY 2015 IPF PPS final rule (79 FR 45945), we also stated that on May 1, 2014, the Department announced that, in light of section 212 of PAMA, “the U.S. Department of Health and Human Services expects to release an interim final rule in the near future that will include a new compliance date that would require the use of ICD-10 beginning October 1, 2015.” The Department asserted that the interim final rule would also require HIPAA covered entities to continue to use ICD-9-CM through September 30, 2015. Therefore, we explained that we will continue to require use of the ICD-9-CM codes for reporting the MS-DRG and comorbidity adjustment factors for IPF services through FY 2015, and that we will require the use of ICD-10 codes beginning October 1, 2015 (79 FR 45945). The final rule “Administrative Simplification: Change to the International Classification of Diseases, 10th Revision (ICD-10-CM and ICD-10-PCS) Medical Data Code Sets” was published in the

Federal Register on August 4, 2014, and finalized the compliance date for ICD-10 as October 1, 2015 (79 FR 45128).

II. Summary of Errors

Payment for Comorbid Conditions

The IPF PPS includes a comorbidity payment adjustment. The intent of the comorbidity adjustment is to recognize the increased costs associated with comorbid conditions by providing additional payments for certain concurrent medical or psychiatric conditions that are expensive to treat. In the May 2011 IPF PPS final rule (76 FR 26451 through 26452), we explained that the IPF PPS includes 17 comorbidity categories and identified the new, revised, and deleted ICD-9-CM diagnosis codes that generated a comorbid condition payment adjustment under the IPF PPS for FY 2012 (76 FR 26451).

In Table 7 of the FY 2015 IPF PPS final rule, the 17 comorbidity categories defined using ICD-9-CM codes were converted to ICD-10-CM codes (79 FR 45953). We discovered the following eight technical errors in ICD-10-CM codes or code ranges listed in Table 7 of the FY 2015 IPF PPS final rule, which we are correcting. These eight errors were typographic errors which we are correcting to conform to the policies adopted in the FY 2015 IPF PPS final rule, and do not reflect any substantive policy changes:

(1) From the “Oncology Treatment” comorbidity category on page 45953, “C000 through C4002” should read “C000 through C399, C4001, C4002.”

(2) From the “Oncology Treatment” comorbidity category on page 45953, “C44191” is being removed.

(3) From the “Oncology Treatment” comorbidity category on page 45953, “D225 through D2261” should read “D225, D2261.”

(4) From the “Oncology Treatment” comorbidity category on page 45953, “D3192 through D485” should read “D3192 through D471.”

(5) From the “Oncology Treatment” comorbidity category on page 45953, “D4861 through D471” should read “D4861 through D499.”