

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

paragraphs (c) and (e) of 40 CFR 52.2120.

EPA also finds that there is good cause under APA section 553(d)(3) for this correction to become effective on the date of publication of this action. Section 553(d)(3) of the APA allows an effective date less than 30 days after publication “as otherwise provided by the agency for good cause found and published with the rule.” 5 U.S.C. 553(d)(3). The purpose of the 30-day waiting period prescribed in APA section 553(d)(3) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today’s rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today’s action merely corrects typographical errors in paragraphs (c) and (e) of a prior rulemaking by correcting the State effective dates, EPA approval dates, and **Federal Register** notice citations as identified above in 40 CFR 52.2120 in a revision, which EPA approved on April 25, 2011. For these reasons, EPA finds good cause under APA section 553(d)(3) for this correction to become effective on the date of publication of this action.

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001). This action merely corrects typographical errors in paragraphs (c) and (e) of a prior rulemaking by correcting the citation as identified above in 40 CFR 52.2120, which EPA approved on April 25, 2011, 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 merely corrects inadvertent errors in paragraphs (c) and (e) of a prior rule, 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 rule 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 rule merely corrects typographical errors in paragraphs (c) and (e) of a prior rulemaking by correcting citations as identified above in 40 CFR 52.2120 in a revision which EPA approved on April 25, 2011, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act (CAA). This rule also is not subject to Executive Order 13045 “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997), because it is not economically significant. In addition, this rule does not involve technical standards, 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 also does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule

cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the 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 rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

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 recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: October 6, 2011.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

40 CFR part 52, is amended as follows:

PART 52—[AMENDED]

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

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

Subpart PP—South Carolina

■ 2. Section 52.2120 is amended as follows:

■ a. In paragraph (c), revise the entries for:

- i. Section V;
- ii. Standard No. 4, Sections IX and X;
- iii. Standard No. 5, Section II, Parts B through D, G, H, O through R, and T;
- iv. Standard No. 7 heading;
- v. Standard No. 7, Regulation No. 62.7, Sections I through IV; and
- vi. Standard No. 7, Regulation No. 62.96.

■ b. In paragraph (e), revise the first, fourth, and fifth entries.

§ 52.2120 Identification of plan.

* * * * *

(c) EPA approved regulations.

AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA

State citation	Title/subject	State effective date	EPA approval date	Federal Register notice
* * *	* * *			
Section V	Credible Evidence	7/27/2001	11/13/2002	67 FR 68767
* * *	* * *			
Standard No. 4	Emissions From Process Industries			
* * *	* * *			
Section IX	Visible Emissions	4/22/1988	7/2/1990	55 FR 27226
Section X	Non-Enclosed Operations	4/22/1988	7/2/1990	55 FR 27226
* * *	* * *			
Standard No. 5	Volatile Organic Compounds.			
* * *	* * *			
Section II	Provisions for Specific Sources.			
Part B	Surface Coating of Coils	8/24/1990	2/4/1992	57 FR 4158
Part C	Surface Coating of Paper, Vinyl, and Fabric	8/24/1990	2/4/1992	57 FR 4158
Part D	Surface Coating of Metal Furniture and Large Appliances.	8/24/1990	2/4/1992	57 FR 4158
* * *	* * *			
Part G	Surface Coating of Flat Wood Paneling	2/25/1983	10/31/1983	48 FR 50078
Part H	Graphic Arts—Rotogravure Flexography	2/25/1983	10/31/1983	48 FR 50078
* * *	* * *			
Part O	Petroleum Liquid Storage in Fixed Roof Tanks	2/25/1983	10/31/1983	48 FR 50078
Part P	Petroleum Liquid Storage in External Floating Roof Tanks.	2/25/1983	10/31/1983	48 FR 50078
Part Q	Manufacture of Synthesized Pharmaceutical Products.	2/25/1983	10/31/1983	48 FR 50078
Part R	Manufacture of Pneumatic Rubber Tires	2/25/1983	10/31/1983	48 FR 50078
* * *	* * *			
Part T	Bulk Gasoline Terminals and Vapor Collection Systems.	2/25/1983	10/31/1983	48 FR 50078
* * *	* * *			
Standard No. 7	Prevention of Significant Deterioration ¹	6/24/2005	6/2/2008	73 FR 31378
* * *	* * *			
Regulation No. 62.7	Good Engineering Practice Stack Height	5/23/1986	5/28/1987	52 FR 19858
Section I	General	5/23/1986	5/28/1987	52 FR 19858
Section II	Applicability	5/23/1986	5/28/1987	52 FR 19858
Section III	Definitions and Conditions	5/23/1986	5/28/1987	52 FR 19858
Section IV	Public Participation	5/23/1986	5/28/1987	52 FR 19858
Regulation No. 62.96	Nitrogen Oxides (NO _x) and Sulfur Dioxide (SO ₂) Budget Trading Program General Provisions.	10/24/2008	10/16/2009	74 FR 53167
* * *	* * *			

¹ This regulation (submitted on July 1, 2005) includes two portions of EPA's 2002 NSR Reform Rules that were vacated by the D.C. Circuit Court—Pollution Control Projects (PCPs) and clean units. As a result, EPA is disapproving all rules and/or rule sections in the South Carolina PSD rules referencing clean units or PCPs. Specifically, the following South Carolina rules are being disapproved: (a)(2)(iv)(e); (a)(2)(iv)(f) (second sentence only); (a)(2)(vi); (b)(12); (b)(30)(iii)(h); (b)(34)(iii)(b); (b)(34)(vi)(d); (b)(35); (r)(6) (only the reference to the term "clean unit" is being disapproved. The remainder of this regulatory provision is being approved); (r)(7) (only the reference to the term "clean unit" is being disapproved. The remainder of this regulatory provision is being approved); (x); (y) and (z).

* * *

(e) EPA-approved South Carolina non-regulatory provisions.

Provision	State effective date	EPA approval date	Explanation
Cherokee County Ozone Attainment Demonstration and Ten-year Maintenance Plan.	6/26/1998	12/18/1998, 63 FR 70019.	
* * * *			*
Attainment Demonstration for the Appalachian, Catawba, Pee Dee, Waccamaw, Santee Lynches, Berkeley-Charleston-Dorchester, Low Country, Lower Savannah, Central Midlands, and Upper Savannah Early Action Compact Areas.	6/25/2004	8/26/2005, 70 FR 50195	
South Carolina Transportation Conformity Air Quality Implementation Plan.	11/19/2008	7/28/2009, 74 FR 37168	
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2011-0600; FRL-9479-6]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Plastic Parts and Business Machines 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) 26.11.19.07, Volatile Organic Compounds from Specific Processes, Paper, Fabric, Film and Foil Coating, and adds new COMAR 26.11.19.07-2, Plastic Parts and Business Machines 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 plastic parts and business machines 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 plastic parts and business machines 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-2011-0600. All documents in the docket are listed in the <http://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 <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, which includes plastic parts and business machines coating, in 1978 and revised them in 2008. Maryland subsequently made changes to its SIP

which adopted EPA's CTG standards for plastic parts and business machines coatings. The formal SIP revision was submitted by Maryland to EPA on June 22, 2011. On August 19, 2011 (76 FR 51922), 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 plastic parts and business machines 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 (#11-03) concerning the adoption of the emission limits for plastic parts and business machines 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 plastic parts and business machine coating processes. These regulations are in COMAR 26.11.19, Volatile Organic Compounds from Specific Processes. Specifically, this revision amends the existing regulation at section 26.11.19.07 by moving existing VOC coating standards for plastic parts and vinyl from this section to a new section, COMAR 26.11.19.07-2, Plastic Parts and Business Machines Coating. Additionally, coating standards for plastic parts and business machines from EPA's CTG are being adopted into COMAR 26.11.19.07-2, as well as new definitions and application methods. Tables 1-3 below outline the emission standards adopted by Maryland for plastic parts coatings, business machines coatings, and printing standards.