

accompanying individuals at all phases of the transplant process.

(Authority: 38 U.S.C. 501, 1708, 1710(a))

§ 60.15 Application process.

(a) *Obtaining and submitting the application.* VA Form 10-0408A is the application for Fisher House and other temporary lodging. Applications may be submitted by mail, telephone, facsimile, in person, or electronically. VA Form 10-0408A is available from any VA health care facility or may be obtained online at <http://vawww4.va.gov/vaforms/medical/pdf/vha-10-0408A-fill.pdf>. The completed application must be submitted as follows:

(1) For Fisher House lodging, to the Fisher House Manager at the VA health care facility of jurisdiction.

(2) For other temporary lodging, to the temporary lodging program coordinator at the VA health care facility of jurisdiction.

(b) *Processing applications.* (1) Applications are generally processed in the order that they are received by VA, and temporary lodging is then granted on a first come first serve basis; however, in extraordinary circumstances, such as imminent death, critical injury, or organ donation applications may be processed out of order.

(2) Temporary lodging is granted on a space-available basis, with some consideration given to the compatibility of the applicant(s) and the room(s) available. For example, although VA may require an applicant to share a room with another veteran's accompanying individual, VA would not do so if the persons affected are not the same gender.

(3) Temporary lodging at a VA health care facility, such as non-utilized beds in a VA health care facility, may be made available only if not barred by law and if the Director of the VA health care facility determines that such action would not have a negative impact on patient care. Non-utilized beds provided to accompanying individuals must be reassigned to VA patients when necessary.

(4) The Director of the VA health care facility of jurisdiction will determine whether local funding is sufficient to allow the use of temporary lodging in hotels and motels.

(5) Subject to all criteria provided in this part, the person responsible for coordinating the Fisher House and other temporary lodging program(s) at the VA health care facility of jurisdiction is responsible for making decisions to grant temporary lodging. These decisions are considered to be final VA decisions concerning individual

medical treatment plans and the scheduling and use of VA lodging facilities, and they are not appealable to the Board of Veterans' Appeals.

(6) If VA denies an application for one type of lodging, such as at a Fisher House, the application will be considered for other temporary lodging and vice versa, if the applicant is eligible.

(7) If VA denies the application for all types of temporary lodging, VA will refer the application to a VA social worker at the VA health care facility of jurisdiction to determine if other arrangements can be made.

(c) Costs for Fisher House and other temporary lodging under this part are borne by VA.

(Authority: 38 U.S.C. 501, 1708)

(The Office of Management and Budget has approved the information collection requirements in this section under OMB control number 2900-0630)

§ 60.20 Duration of Fisher House or other temporary lodging.

Fisher House or other temporary lodging may be awarded for the following periods:

(a) While the veteran is undergoing an episode of care.

(b) While the veteran is hospitalized, if the veteran is admitted to a VA health care facility while undergoing an outpatient episode of care for which temporary lodging was already provided.

(c) As extended by the appropriate VA clinician or social worker based on an emergency situation or unforeseen circumstances.

(d) For an indefinite period for accompanying individuals who are visiting veterans hospitalized for an indefinite period, provided that the accompanying individual is not using a VA health care facility bed. Whether a veteran is hospitalized for an indefinite period will be based upon the treatment or rehabilitation needs of the veteran as determined by the veteran's health care team.

(e) Temporary lodging may be furnished the night before the day of a scheduled appointment if, the veteran leaving home after 8:00 a.m., would be unable to arrive at the VA health care facility by the time of the scheduled appointment.

(f) Temporary lodging may be furnished the night of the scheduled appointment if, after the appointment, the veteran would be unable to return home before 7:00 p.m. When a veteran is undergoing outpatient treatment or procedures the veteran and accompanying individual(s) may be furnished temporary lodging for the

duration of the episode of care subject to limitations described in this section.

(Authority: 38 U.S.C. 501, 1708)

[FR Doc. 2012-23730 Filed 9-25-12; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2011-0617; FRL-9731-6]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Adhesives and Sealants Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a revision to Pennsylvania's State Implementation Plan (SIP). The SIP revision was submitted by the Commonwealth of Pennsylvania through the Pennsylvania Department of Environmental Protection (PADEP) in order to include in the SIP amendments to relating to control of emissions of volatile organic compounds (VOCs) from the manufacture, sale, use, or application of adhesives, sealants, primers, and solvents. The SIP revision also includes amendments to the definitions in the general provisions in 25 *Pa. Code*. EPA is approving this revision in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on October 26, 2012.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2011-0617. 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 Pennsylvania Department of Environmental Protection, Bureau of Air Quality

Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Gregory Becoat, (215) 814-2036, or by email at becoat.gregory@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On August 26, 2011, EPA published a notice of proposed rulemaking (NPR) which proposed approval of Pennsylvania's adhesives and sealants regulations in order to control emissions of VOCs from the manufacture, sale, use, or application of adhesives, sealants, primers, and solvents (76 FR 53369, August 26, 2011). The formal SIP revision was submitted by the Commonwealth of Pennsylvania through PADEP on January 12, 2011.

II. Summary of SIP Revision

Pennsylvania's SIP submission contains amendments to *25 Pa. Code* Chapters 121, 129, and 130 relating to general provisions, standards for sources, and standards for products. The SIP revision includes amendments to the existing regulation in *25 Pa. Code* section 129.51, general provisions for VOC sources, and adds new provisions under *25 Pa. Code* sections 129.77 and 130.701 through 130.708, relating to control of emissions from the use or application of adhesives, sealants, primers and solvents and for the control of emissions of VOCs from the manufacture, sale, use, or application of adhesives, sealants, primers, and solvents. The SIP revision also includes amendments to *25 Pa. Code* section 121.1, which contains definitions applicable to *25 Pa. Code* sections 129.77 and 130.701 through 130.708.

The SIP revision is based on the Ozone Transport Commission (OTC) model rule, "OTC Model Rule For Adhesives and Sealants," dated 2006, which was based on the 1998 California Air Resources Board (CARB) reasonably available control technology (RACT) determination which applied to both the manufacture and use of adhesives, sealants, adhesive primers, or sealant primers, in both industrial and manufacturing facilities and in the field. California Air Districts used this determination to develop regulations for this category. EPA addressed this source category with a Control Techniques Guideline (CTG) document "Control Techniques Guidelines for Miscellaneous Industrial Adhesives, EPA-453/R-08-005" in September 2008 (Miscellaneous Industrial Adhesive CTG).

EPA has determined that the SIP revision contains the required elements

for a federally enforceable rule: Emission limitations, compliance procedures and test methods, compliance dates, and record keeping provisions. In comparison to the CTG, the OTC model rule and *25 Pa. Code* section 129.77 are applicable to all stationary sources including those applications that occur outside of the factory setting in the field. The OTC model rule and *25 Pa. Code* sections 129.77 and 130.701 through 130.708 also regulate the VOC content and vapor pressure of surface-preparation and clean-up solvents for which the CTG did not make recommendations other than including work practices. The rationale for EPA's proposed action is explained in the NPR and will not be restated here. On September 26, 2011, EPA received one comment letter on the August 26, 2011 NPR. The complete comment letter submitted by the Graphic Arts Coalition (hereafter referred to as the Commenter) may be found in the docket (EPA-R03-OAR-2011-0617) for today's final action. A summary of the comments and EPA's responses are provided in Section III of this document.

III. Summary of Public Comments and EPA Responses

Comment: The Commenter requests that EPA not approve the SIP amendment until PADEP clearly exempts graphic arts operations from the rule. The Commenter believes that adhesives used in printing operations were not considered in PADEP's rulemaking and were not intended to be covered by the revised regulation or by the OTC or EPA. The Commenter believes that all adhesives used in the printing process operation, not only adhesives applied at stations that are physically connected to a printing line, should be excluded from the rule because these adhesives will be captured/controlled under rules applicable to lithographic operations being developed by PADEP.

Response: Pennsylvania's regulation for adhesives and sealants clearly addresses the adhesives and adhesive application activities regulated. In *25 Pa. Code* section 129.77 at Tables V and VI, the Commonwealth clearly specified the adhesives for which a VOC limit is set and *25 Pa. Code* section 129.77(a) clearly states that the limits apply in Tables V and VI unless excluded by *25 Pa. Code* section 129.77(k). Also, the additional terms in *25 Pa. Code* section 121.1 define each of the adhesive categories found in Tables V and VI. Thus, we believe the Pennsylvania regulations are clear that the adhesives used in printing operations were

considered and that the state intended to cover those adhesives.

EPA addressed a portion of the adhesives and adhesive primers category in the Miscellaneous Industrial Adhesive CTG. EPA's Miscellaneous Industrial Adhesive CTG provides state and local air pollution control authorities information that may assist them in determining RACT for VOCs from miscellaneous industrial adhesive application processes. In developing this Miscellaneous Industrial Adhesive CTG, EPA, among other things, evaluated the sources of VOC emissions from miscellaneous industrial adhesives application processes and the available control approaches for addressing these emissions, including the costs of such approaches. Based on available information and data, EPA provided recommendations for RACT for miscellaneous industrial adhesives. States can use the recommendations in the Miscellaneous Industrial Adhesive CTG to inform their own determination as to what constitutes RACT for VOCs for miscellaneous industrial adhesive application processes in their particular nonattainment areas. The Miscellaneous Industrial Adhesive CTG does not impose any legally binding requirements on any entity nor are States required to adopt the approach that EPA sets forth in a CTG. It provides only recommendations for state and local air pollution control agencies to consider in determining RACT. State and local pollution control agencies are free to implement other technically-sound approaches that are consistent with the CAA and EPA's implementing regulations or are more stringent. Thus, whether or not the CTG expressly addressed the adhesives at issue here is not relevant for determining whether Pennsylvania's rule addressing those adhesives could be approved as part of the SIP.

Section 110(k) of the CAA provides that EPA shall approve a SIP revision submittal if it meets all of the applicable requirements of the CAA. The primary CAA requirement for the adhesives and sealants rule is that Pennsylvania set RACT for the Miscellaneous Industrial Adhesive CTG category. For the reasons outlined in the NPR, EPA believes that Pennsylvania has fulfilled this requirement (76 FR 53369). To the extent that Pennsylvania's rule goes beyond the recommendation of the Miscellaneous Industrial Adhesive CTG, it does not prohibit EPA from approving this rulemaking action. The OTC developed a model rule as part of a regional effort to attain and maintain the eight-hour ozone standard and reduce eight-hour ozone levels. States opting to

promulgate rules based on this model rule utilize state-specific administrative requirements and procedures. Similar to CTGs, the OTC model rules are merely recommendations and are not required by the Commonwealth for regulation purposes. However, Pennsylvania's adopted 25 Pa. Code Chapters 121, 129, and 130 are based on the OTC model rule. The Commenter also suggests that these adhesives would be better addressed in a separate rule on which the Commonwealth is currently working. If the Commonwealth determines that the adhesives should be addressed in a different rule, it can request that the SIP be revised. However, the fact that the Commonwealth may choose at some future point to regulate the adhesives under a separate rule is not a basis for disapproving the current rule.

IV. Final Action

EPA is approving the Pennsylvania SIP revision which includes amendments to 25 Pa. Code section 121.1 "Definitions" and section 129.51(a) "Equivalency." EPA is also approving the Pennsylvania SIP revisions adding 25 Pa. Code section 129.77 "Control of emissions from the use or application of adhesives, sealants, primers, and solvents" and 25 Pa. Code sections 130.701–130.708 "Adhesives, Sealants, Primers, and Solvents General Provisions." EPA has determined that 25 Pa. Code sections 129.77 and 130.701 through 130.708 meet the requirement for RACT for the Miscellaneous Industrial Adhesive CTG. EPA has determined that the regulations will result in the reduction of VOC emissions from the affected sources and meet the applicable requirements of the CAA and applicable EPA regulations, guidance, and policy and can therefore be approved.

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 26, 2012. 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 pertaining to Pennsylvania's control of VOCs from adhesives and sealants may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA.)

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 7, 2012.

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 NN—Pennsylvania

- 2. Section 52.2020, in paragraph (c)(1), is amended by:
 - a. Revising the entries for sections 121.1 and 129.51;
 - b. Adding an entry for section 129.77; and
 - c. Adding a new table entry under "Chapter 130—Standards for Products" titled "Subchapter D—Adhesives, Sealants, Primers and Solvents"; and under the new table heading, adding entries for 130.701 through 130.708 in numerical order.

The additions and revisions read as follows:

§ 52.2020 Identification of plan.

*	*	*	*	*
(c)	*	*	*	
(1)	*	*	*	

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
Title 25—Environmental Protection Article III—Air Resources Chapter 121—General Provisions				
Section 121.1	Definitions	12/25/10	9/26/12 <i>[Insert page number where the document begins]</i> .	Amends and adds definitions.
*	*	*	*	*
Chapter 129—Standards for Sources				
*				
Sources of VOCs				
Section 129.51	General	12/25/10	9/26/12 <i>[Insert page number where the document begins]</i> .	Amends section 129.51(a).
*	*	*	*	*
Section 129.77	Control of emissions from the use or application of adhesives, sealants, primers and solvents.	12/25/10	9/26/12 <i>[Insert page number where the document begins]</i> .	New section is added.
*	*	*	*	*
Chapter 130—Standards for Products				
*				
Subchapter D—Adhesives, Sealants, Primers and Solvents				
Section 130.701	Applicability	12/25/10	9/26/12 <i>[Insert page number where the document begins]</i> .	New section is added.
Section 130.702	Emission standards	12/25/10	9/26/12 <i>[Insert page number where the document begins]</i> .	New section is added.
Section 130.703	Exemptions and exceptions	12/25/10	9/26/12 <i>[Insert page number where the document begins]</i> .	New section is added.
Section 130.704	Recordkeeping requirements.	12/25/10	9/26/12 <i>[Insert page number where the document begins]</i> .	New section is added.
Section 130.705	Compliance procedures and test methods.	12/25/10	9/26/12 <i>[Insert page number where the document begins]</i> .	New section is added.
Section 130.706	Container labeling	12/25/10	9/26/12 <i>[Insert page number where the document begins]</i> .	New section is added.
Section 130.707	Product dating	12/25/10	9/26/12 <i>[Insert page number where the document begins]</i> .	New section is added.
Section 130.708	Sell-through of products	12/25/10	9/26/12 <i>[Insert page number where the document begins]</i> .	New section is added.
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 [FR Doc. 2012-23568 Filed 9-25-12; 8:45 am]
 BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 52
[EPA-R03-OAR-2012-0468; FRL-9731-7]
Approval and Promulgation of Air Quality Implementation Plans; Maryland-Revision for the Control of Volatile Organic Compounds Emissions From Vehicle Refinishing
AGENCY: Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maryland pertaining to “Control of Volatile Organic Compounds Emissions from Vehicle Refinishing.” The SIP revision establishes new volatile organic compounds (VOC) content limits and standards for coating and cleaning solvents used in vehicle refinishing. This action is being taken under the Clean Air Act (CAA).
DATES: This final rule is effective on October 26, 2012.