

**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 52

[EPA–R03–OAR–2016–0042; FRL–9961–38–
Region 3]

**Approval and Promulgation of Air
Quality Implementation Plans;
Maryland; Revisions and Amendments
to Regulations for Continuous Opacity
Monitoring, Continuous Emissions
Monitoring, and Quality Assurance
Requirements for Continuous Opacity
Monitors; Correction**

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule; correcting
amendment.

SUMMARY: This document corrects an omission in the rule language of a final rule pertaining to changes and amendments to Maryland regulations for continuous opacity monitoring (COM or COMs) and continuous emissions monitoring (CEM or CEMs) and to an amendment adding requirements for quality assurance and quality control as they pertain to COMs. EPA approved these revisions to the COMs and CEMs requirements in accordance with the requirements of the Clean Air Act (CAA).

DATES: This document is effective on
May 15, 2017.

FOR FURTHER INFORMATION CONTACT:
Marilyn Powers, (215) 814–2308 or by
email at powers.marilyn@epa.gov.

SUPPLEMENTARY INFORMATION: On
November 7, 2016, (81 FR 78048), EPA
published a final rulemaking action
approving revisions and amendments to
Maryland regulations for COMs, CEMs,
and quality assurance requirements for
COMs.

In the “Identification of Plan” table
on page 78052 of the rulemaking action
published on November 7, 2016, we
added only the title for Maryland
regulation COMAR 26.11.31 “Quality
Assurance Requirements for Opacity
Monitors (COMs)” to 40 CFR 52.1070(c)
and inadvertently omitted approved
sections COMAR 26.11.31.01 through
.12. The intent of the approved
rulemaking was to incorporate the entire
COMAR 26.11.31 regulation into the
Maryland SIP. The revised rule language
in this correcting rulemaking action is
now adding the omitted language for
each section of COMAR 26.11.31 in the
Code of Federal Regulations (CFR).
These sections were part of the original
approval and are to be included in the
CFR through this correction.

Section 553 of the Administrative
Procedure Act, 5 U.S.C. 553(b)(3)(B),

provides that, when an agency for good
cause finds that notice and public
procedure are impracticable,
unnecessary or contrary to the public
interest, the agency may issue a rule
without providing notice and an
opportunity for public comment. We
have determined that there is good
cause for making this rule final without
prior proposal and opportunity for
comment because we are merely
correcting an inadvertent, incorrect
citation in a previous action which fully
discussed the regulation added to the
Maryland SIP and provided a proposal
and opportunity for comment. Thus,
notice and public procedure are
unnecessary. We find that this
constitutes good cause under 5 U.S.C.
553(b)(3)(B).

Statutory and Executive Order Reviews

Under Executive Order (E.O.) 12866
(58 FR 51735, October 4, 1993), this
action is not a “significant regulatory
action” and is therefore 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)). Because the agency has made
a “good cause” finding that this action
is not subject to notice-and-comment
requirements under the Administrative
Procedures Act or any other statute as
indicated in the Supplementary
Information section above, it is not
subject to the regulatory flexibility
provisions of the Regulatory Flexibility
Act (5 U.S.C. 601 *et seq.*), or to sections
202 and 205 of the Unfunded Mandates
Reform Act of 1995 (UMRA) (Pub. L.
104–4). In addition, this action does not
significantly or uniquely affect small
governments or impose a significant
intergovernmental mandate, as
described in sections 203 and 204 of
UMRA. This rule also does 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), nor
will it 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 governments, as specified by
Executive Order 13132 (64 FR 43255,
August 10, 1999). This rule also is not
subject to Executive Order 13045 (62 FR
19885, April 23, 1997), because it is not
economically significant.

This technical correction action 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. The rule also
does not involve special consideration
of environmental justice related issues
as required by Executive Order 12898
(59 FR 7629, February 16, 1994). In
issuing this rule, EPA has taken the
necessary steps to eliminate drafting
errors and ambiguity, minimize
potential litigation, and provide a clear
legal standard for affected conduct, as
required by section 3 of Executive Order
12988 (61 FR 4729, February 7, 1996).
EPA has complied with Executive Order
12630 (53 FR 8859, March 15, 1998) by
examining the takings implications of
the rule in accordance with the
“Attorney General’s Supplemental
Guidelines for the Evaluation of Risk
and Avoidance of Unanticipated
Takings” issued under the executive
order. This rule does not impose an
information collection burden under 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. Section 808 allows
the issuing agency to make a rule
effective sooner than otherwise
provided by the CRA if the agency
makes a good cause finding that notice
and public procedure is impracticable,
unnecessary or contrary to the public
interest. This determination must be
supported by a brief statement. 5 U.S.C.
808(2). As stated previously, EPA had
made such a good cause finding,
including the reasons therefore, and
established an effective date of May 15,
2017.

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**. This correction of the rule
language in 40 CFR 52.1070(c)
pertaining to changes and amendments
to Maryland regulations for COMs and
CEMs is not a “major rule” as defined
by 5 U.S.C. 804(2).

Dated: March 24, 2017.

Cecil Rodrigues,

Acting Regional Administrator, EPA 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 adding under heading

“26.11.30 Policies and Procedures Relating to Maryland’s NO_x Reduction and Trading Program” entries “26.11.31.01 through 26.11.31.12” in numerical order 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
* * * * *				
26.11.30 Policies and Procedures Relating to Maryland’s NO_x Reduction and Trading Program				
* * * * *				
26.11.31.01	Scope	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.02	Applicability	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.03	Incorporation by Reference	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.04	Definitions	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.05	Principle	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.06	Quality Control Requirements	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.07	Opacity Calibration Drift Assessment	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.08	Audit Frequency	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.09	Performance Audit	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.10	Calibration Error Methods	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.11	Zero Alignment Audit	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.12	Corrective Actions	6/13/2011	11/7/2016 81 FR 78048.	
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[FR Doc. 2017-09492 Filed 5-12-17; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R06-OAR-2017-0054; FRL-9960-15-Region 6]

Approval and Promulgation of Implementation Plans; Texas; Clean Air Act Requirements for Vehicle Inspection and Maintenance, Nonattainment New Source Review and Emission Statements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Texas for the 2008 8-hour ozone national ambient air quality standards (NAAQS). The SIP revision being

approved describes how CAA requirements for vehicle inspection and maintenance (I/M), nonattainment new source review (NNSR) and emission statements are met in the Houston-Galveston-Brazoria ozone nonattainment area (HGB area) for the 2008 ozone NAAQS. EPA is also making a ministerial correction to the Code of Federal Regulations (CFR) to accurately reflect approved SIP revisions that pertain to Texas I/M provisions.

DATES: This rule is effective on July 14, 2017 without further notice, unless the EPA receives relevant adverse comment by June 14, 2017. If the EPA receives such comment, the EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket No. EPA-R06-OAR-2017-0054, at <http://www.regulations.gov> or via email to young.carl@epa.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The 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. The 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, please contact Carl Young, 214-665-6645, young.carl@epa.gov. For 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>.

Docket: The index to the docket for this action is available electronically at www.regulations.gov and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all