

**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](mailto: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<sub>x</sub> 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
* * * * *				
<b>26.11.30 Policies and Procedures Relating to Maryland’s NO<sub>x</sub> Reduction and Trading Program</b>				
* * * * *				
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](mailto: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](mailto: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](http://www.regulations.gov) and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all