

(ii) Additional Materials—Remainder of the State submittals pertaining to the regulations listed in paragraphs (c)(169)(i)(B) and (C) of this section.

(170) Revisions to the Maryland Regulation, COMAR 26.11.14, *Control of Emissions from Kraft Pulp Mills*, submitted on October 5, 2001 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of October 5, 2001 from the Maryland Department of the Environment transmitting Maryland Regulations COMAR 26.11.14.01, 26.11.14.02 and 26.11.14.06, *Control of Emissions from Kraft Pulp Mills*.

(B) Additions of COMAR 26.11.14.01, COMAR 26.11.14.02 and COMAR 26.11.14.06, *Control of Emissions from Kraft Pulp Mills*, adopted by the State of Maryland on December 13, 2000 and effective January 8, 2001.

(C) Revisions to COMAR 26.11.14.01 and COMAR 26.11.14.06, *Control of Emissions from Kraft Pulp Mills*, adopted by the State of Maryland on September 25, 2001 and effective October 15, 2001.

(ii) Additional Materials—Remainder of the State submittals pertaining to the revisions listed in paragraphs (c)(170)(i)(B) and (C) of this section.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[MD117-3081; FRL-7083-7]

### Approval and Promulgation of Air Quality Implementation Plans; Maryland; RACT for the Control of VOC Emissions From Iron and Steel Production Installations

**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 revision establishes reasonably available control technology (RACT) for the control of emissions of volatile organic compounds (VOCs) from iron and steel production installations in Maryland. EPA is approving this revision in accordance with the Clean Air Act (CAA).

**EFFECTIVE DATE:** This final rule is effective on December 7, 2001.

**ADDRESSES:** Copies of the documents relevant to this action are available 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; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

#### FOR FURTHER INFORMATION CONTACT:

Catherine L. Magliocchetti, (215) 814-2174, or by e-mail at [magliocchetti.catherine@epa.gov](mailto:magliocchetti.catherine@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On July 31, 2001 (66 FR 39471), EPA published a notice of proposed rulemaking (NPR) for the State of Maryland. The NPR proposed approval of a SIP revision, which establishes reasonably available control technology (RACT) for the control of emissions of volatile organic compounds (VOCs) from iron and steel production installations in Maryland. The formal SIP revision was submitted by the State of Maryland on January 8, 2001. Other specific requirements of the SIP revision pertaining to VOC RACT from iron and steel production installations in Maryland, and the rationale for EPA's proposed action are explained in the NPR, and will not be restated here. No comments were received on the NPR.

##### II. Final Action

EPA is approving reasonably available control technology (RACT) for the control of emissions of volatile organic compounds (VOCs) from iron and steel production installations in Maryland as a revision to the Maryland SIP.

##### III. Administrative Requirements

###### A. General Requirements

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 approves state law as meeting Federal requirements 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 approves pre-existing requirements under state law 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 (Public Law 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 action 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 action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. 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 reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. 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 does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

###### 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 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 rule 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 Clean Air Act, petitions for judicial review of this final rule must be filed in the United States Court of Appeals for the appropriate circuit by January 7, 2002. 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 approving Maryland VOC RACT regulation for iron and steel production facilities 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, Hydrocarbons, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: October 5, 2001.

**Thomas Voltaggio,**

*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. Section 52.1070 is amended by adding paragraph (c)(163) to read as follows:

#### § 52.1070 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(163) Revisions to the Maryland Regulations submitted on January 8, 2001 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter dated January 8, 2001 from the Maryland Department of the Environment transmitting regulations

that establish reasonably available control technology (RACT) requirements for those sources at integrated steel mills that cause emissions of volatile organic compounds (VOCs).

(B) The following revisions to COMAR 26.11.10, effective December 25, 2000:

(1) Addition of COMAR 26.11.10.01B(1) through .01B(5) inclusive, and .01B(8.) [existing provisions .01B(1) and .01B(2) are renumbered as .01B(6) and .01B(7) respectively].

(2) New COMAR 26.11.10.06 (Control of Volatile Organic Compounds from Iron and Steel Production Installations).

(3) Revisions to COMAR 26.11.10.07 (Testing and Observation Procedures).

(C) Letter dated May 29, 2001 from the Maryland Department of the Environment, noting the correction of a typographical error made in the Maryland Register publication of the Iron and Steel VOC RACT rule.

(ii) Additional Materials—Remainder of the state submittal pertaining to the regulations listed in paragraph (c)(163)(i)(B) of this section.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[AL-056-200204; FRL-7098-7]

### Approval and Promulgation of Implementation Plans: Alabama: Attainment Demonstration of the Birmingham 1-hour Ozone Nonattainment Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The EPA is approving additions to Alabama's Air Quality Regulations and the ground-level 1-hour ozone attainment demonstration State Implementation Plan (SIP) for the Birmingham nonattainment area submitted by the Alabama Department of Environmental Management (ADEM) on November 1, 2000. This rule is based on the requirements of the Clean Air Act as amended in 1990 (CAA), related to 1-hour ozone attainment demonstrations. EPA will be approving the fuel control measure in a separate **Federal Register** action.

**EFFECTIVE DATE:** This final rule is effective on December 7, 2001.

**ADDRESSES:** Copies of documents relative to this action are available at the

following addresses for inspection during normal business hours:

Environmental Protection Agency,  
Region 4, Air Planning Branch, 61  
Forsyth Street, SW., Atlanta, Georgia  
30303-8960.

Alabama Department of Environmental  
Management, 400 Coliseum  
Boulevard, Montgomery, Alabama  
36110-2059.

### FOR FURTHER INFORMATION CONTACT:

Sean Lakeman, Regulatory Development  
Section, Air Planning Branch, 61  
Forsyth Street, SW., Atlanta, Georgia  
30303-8960. The telephone number is  
(404) 562-9043. Mr. Lakeman can also  
be reached via electronic mail at  
[lakeman.sean@epa.gov](mailto:lakeman.sean@epa.gov).

**SUPPLEMENTARY INFORMATION:** On November 1, 2000, the Alabama Department of Environmental Management (ADEM) submitted a revision to its ground-level 1-hour ozone attainment SIP to meet the requirements of the CAA as amended in 1990, related to 1-hour ozone attainment demonstrations. The revision consists of the adoption of the regulatory section, chapter 335-3-8 Control of Nitrogen Oxide Emissions: (.03) NO<sub>x</sub> Emissions from Electric Utility Generating Units, and the adoption of the non-regulatory ground-level 1-hour ozone attainment demonstration. On September 11, 2001, (66 FR 47145) EPA published a notice proposing to approve the November 1, 2000, ground-level 1-hour ozone attainment demonstration and the associated regulations. That notice provided for a public comment period ending on October 11, 2001. A detailed description of this attainment demonstration and EPA's rationale for approving it was provided in the proposal notice and will not be restated here. No adverse comments were received on EPA's proposal.

### I. Final Action

EPA is approving the ground-level 1-hour ozone attainment demonstration for Birmingham and the associated regulations, which were submitted to EPA on November 1, 2000. EPA finds that Alabama's submittal is fully approvable.

### II. Administrative Requirements

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