

15, 2011, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

#### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface at New Market, VA, to provide the controlled airspace required to support the new RNAV GPS standard instrument approach procedures developed for New Market Airport. This action is necessary for the safety and management of IFR operations at the airport. This action also adjusts the geographic coordinates of the airport to be in concert with the FAA's aeronautical database.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at New Market Airport, New Market, VA.

#### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9V, Airspace Designations and Reporting Points, dated August 9, 2011, effective September 15, 2011, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### AEA VA E5 New Market, VA [New]

New Market Airport, VA  
(Lat. 38°39'22" N., long. 78°42'31" W.)

That airspace extending upward from 700 feet above the surface within a 14.8-mile radius of New Market Airport.

Issued in College Park, Georgia, on October 4, 2011.

**Mark D. Ward,**

*Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2011–26469 Filed 10–17–11; 8:45 am]

**BILLING CODE 4910–13–P**

#### DEPARTMENT OF LABOR

#### Wage and Hour Division

#### 29 CFR Parts 500 to 899

#### Republication

#### CFR Correction

Title 29 of the Code of Federal Regulations, Parts 500 to 899, revised as of July 1, 2011, is being republished in its entirety. The earlier issuance inadvertently omitted footnotes 41 through 58, referenced in §§ 776.20 and 776.21. The omitted footnotes should appear on pages 368 through 371.

[FR Doc. 2011–26979 Filed 10–13–11; 5:19 pm]

**BILLING CODE 4510–27–P**

#### CENTRAL INTELLIGENCE AGENCY

#### 32 CFR Part 1909

#### Access by Historical Researchers and Certain Former Government Personnel; Correction

**AGENCY:** Central Intelligence Agency.

**ACTION:** Final rule; correction.

**SUMMARY:** On September 23, 2011, the Central Intelligence Agency published a final rule resulting from a review of its public regulations on access by historical researchers and certain former government personnel. As a result of the review, the Agency has revised its access regulations to more clearly reflect the current CIA organizational structure and policies and practices, and to eliminate ambiguous, redundant and obsolete regulatory provisions. Due to a technical error in the review process, an amendment was worded inaccurately. This document corrects that error.

**DATES:** Effective October 18, 2011 and applicable beginning September 23, 2011.

#### FOR FURTHER INFORMATION CONTACT:

Joseph W. Lambert, (703) 613–1379.

**SUPPLEMENTARY INFORMATION:** In FR Doc. No. 2011–21576 appearing on page 59034 in the **Federal Register** of September 23, 2011, the following correction is made:

#### § 1909.14 [Corrected]

- 1. On page 59035, in the third column, amendatory instruction 8 and § 1909.14 heading are revised to read as follows:

\* \* \* \* \*

- 8. Revise § 1909.14 to read as follows:

**§ 1909.14. Determinations on requests for access by historical researchers.**

\* \* \* \* \*

Dated: October 11, 2011.

**Joseph W. Lambert,**

*Director, Information Management Services.*

[FR Doc. 2011–26901 Filed 10–17–11; 8:45 am]

**BILLING CODE 6310–02–P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R03–OAR–2011–0491; EPA–R03–OAR–2011–0570; FRL–9480–5]

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

**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 pertains to amendments to Maryland's rule for the control of volatile organic compound (VOC) emissions from chemical production and polytetrafluoroethylene operations; from paint, resin, and adhesive manufacturing; and from adhesive and sealant application. This SIP revision also pertains to an addition of a new regulation for the control of VOC emissions from adhesives and sealants. EPA is approving this SIP revision to meet the requirements of a reasonably available control technology (RACT) rule for the miscellaneous industrial adhesives control techniques guideline (CTG) category in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** *Effective Date:* This final rule is effective on November 17, 2011.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Numbers EPA-R03-OAR-2011-0491 and EPA-R03-OAR-2011-0570. All documents in the docket are listed in the [www.regulations.gov](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 [www.regulations.gov](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:** Rose Quinto, (215) 814-2182 or by e-mail at [quinto.rose@epa.gov](mailto:quinto.rose@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On August 19, 2011 (76 FR 51925), EPA published a notice of proposed rulemaking (NPR) for the State of Maryland. The NPR proposed approval of Maryland's adhesives and sealants rule. The formal SIP revisions (#08-02, #09-01, and #10-06) were submitted by

the State of Maryland on April 18, 2008, May 28, 2009, and April 22, 2010.

##### **II. Summary of SIP Revision**

The SIP revisions consist of the following: (1) Amendments to COMAR 26.11.19.30 "Control of VOC from Chemical Production and Polytetrafluoroethylene Operations;" (2) a new regulation for inclusion into the Maryland SIP—COMAR 26.11.35 "Control of VOC Emissions from Adhesives and Sealants;" (3) amendments to Regulation .01 under COMAR 26.11.35 by exempting single-ply roof membrane installation and repair adhesives, single-ply roof membrane sealants, and single ply-roof membrane adhesive primers from standards for VOC content during non-ozone seasons through 2011 and throughout the year of 2012; (4) amendments to Regulation .15A under COMAR 26.11.19 "VOCs from Specific Processes," by adding new definitions; and (5) amendments to Regulation .15C(4) under COMAR 26.11.19 by repealing the general emission standard for adhesives and replacing it with the source-specific VOC RACT emission limitation for the application of adhesives and sealants to specialty electronic systems and subsystems for defense and homeland security. These SIP revisions meet the requirement to adopt a RACT for the miscellaneous industrial adhesives CTG category. Other specific requirements and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

##### **III. Final Action**

EPA is approving the adhesives and sealants rule as a revision to the Maryland SIP. This SIP revision meets the requirement to adopt RACT for the miscellaneous industrial adhesives CTG category.

##### **IV. 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 December 19, 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 pertaining to Maryland's adhesives and sealants rule, 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: October 3, 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 entries for COMAR 26.11.19.15 and COMAR 26.11.19.30, and adding an entry for COMAR 26.11.35 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 40CFR 52.1100
*	*	*	*	*
<b>26.11.19 Control of Volatile Organic Compounds from Specific Processes</b>				
*	*	*	*	*
26.11.19.15 .....	Paint, Resin, and Adhesive Manufacturing and Adhesive and Sealant Applications.	4/19/10	10/18/11 [Insert page number where the document begins].	Amendments to Sections .15A and .15C.
26.11.19.30 .....	Control of Volatile Organic Compounds from Chemical Production and Fluoropolymer Material Installations.	4/21/08	10/18/11[Insert page number where the document begins].	Amendments to Sections .30A, .30B, .30C and .30E.
*	*	*	*	*
<b>26.11.35 Volatile Organic Compounds from Adhesives and Sealants</b>				
26.11.35.01 .....	Applicability and Exemptions .....	4/21/08 6/1/09	10/18/11 [Insert page number where the document begins].	New Section.
26.11.35.02 .....	Incorporation by Reference .....	4/21/08	10/18/11 [Insert page number where the document begins].	New Section.
26.11.35.03 .....	Definitions .....	4/21/08	10/18/11 [Insert page number where the document begins].	New Section.
26.11.35.04 .....	Standards .....	4/21/08	10/18/11 [Insert page number where the document begins].	New Section.
26.11.35.05 .....	Administrative Requirements .....	4/21/08	10/18/11 [Insert page number where the document begins].	New Section.
26.11.35.06 .....	Compliance Procedures and Test Methods.	4/21/08	10/18/11 [Insert page number where the document begins].	New Section.
26.11.35.07 .....	Container Labeling .....	4/21/08	10/18/11 [Insert page number where the document begins].	New Section.
*	*	*	*	*

\* \* \* \* \*

[FR Doc. 2011-26900 Filed 10-17-11; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52****[EPA-R04-OAR-2010-0741-201071; FRL-9476-5]****Approval and Promulgation of Implementation Plans; North Carolina: Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revision****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** EPA is taking final action to approve a revision to the State Implementation Plan (SIP), submitted by the State of North Carolina, through the North Carolina Department of Environment and Natural Resources' (NC DENR) Division of Air Quality, to EPA on August 11, 2010, for parallel processing. NC DENR submitted the final version of this SIP revision on May 17, 2011. The SIP revision establishes new NC DENR air quality regulations, specific to the regulation of greenhouse gases (GHGs) under North Carolina's New Source Review (NSR) Prevention of Significant Deterioration (PSD) program. Specifically, the SIP revision establishes appropriate emission thresholds for determining which new stationary sources and modification projects become subject to North Carolina's PSD permitting requirements for their GHG emissions. This rule incorporates state law changes into the federally approved SIP, and specifically, clarifies the applicable thresholds in the North Carolina SIP for GHG PSD requirements. EPA is approving North Carolina's May 17, 2011, SIP revision because the Agency has made the determination that this SIP revision is in accordance with the Clean Air Act (CAA or Act) and EPA regulations, including regulations pertaining to PSD permitting for GHGs. Additionally, EPA is responding to adverse comments received on EPA's November 5, 2010, proposed approval of North Carolina's August 11, 2010, draft SIP revision.

**DATES:** *Effective Date:* This rule will be effective November 17, 2011.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2010-0741. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although

listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information 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 at the 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. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section for further information. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** For information regarding the North Carolina SIP, contact Ms. Twunjala Bradley, 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. Bradley's telephone number is (404) 562-9352; e-mail address: [bradley.twunjala@epa.gov](mailto:bradley.twunjala@epa.gov). For information regarding the Tailoring Rule, contact Ms. Heather Abrams, Air Permits Section, at the same address above. Ms. Abrams' telephone number is (404) 562-9185; e-mail address: [abrams.heather@epa.gov](mailto:abrams.heather@epa.gov).

**SUPPLEMENTARY INFORMATION:****Table of Contents**

- I. What is the background for this final action?
- II. What is EPA's response to comments received on this action?
- III. What is the effect of this final action?
- IV. Final Action
- V. Statutory and Executive Order Reviews

**I. What is the background for this final action?**

EPA has recently undertaken a series of actions pertaining to the regulation of GHGs that, although for the most part distinct from one another, establish the overall framework for today's final action on the North Carolina SIP. Four of these actions include, as they are commonly called, the "Endangerment Finding" and "Cause or Contribute Finding," which EPA issued in a single

final action,<sup>1</sup> the "Johnson Memo Reconsideration,"<sup>2</sup> the "Light-Duty Vehicle Rule,"<sup>3</sup> and the "Tailoring Rule."<sup>4</sup> Taken together and in conjunction with the CAA, these actions established regulatory requirements for GHGs emitted from new motor vehicles and new motor vehicle engines; determined that such regulations, when they took effect on January 2, 2011, subjected GHGs emitted from stationary sources to PSD requirements; and limited the applicability of PSD requirements to GHG sources on a phased-in basis.

On August 11, 2010, in response to the Tailoring Rule and earlier GHG-related EPA rules, NC DENR submitted a draft revision to EPA for approval into the North Carolina SIP to establish appropriate emission thresholds for determining which new or modified stationary sources become subject to North Carolina's PSD permitting requirements for GHG emissions. Subsequently, on November 5, 2010, EPA published a proposed rulemaking to approve a portion of North Carolina's August 11, 2010, SIP revision under parallel processing. *See* 75 FR 68279. Specifically, North Carolina's August 11, 2010, draft SIP revision incorporates by reference the Tailoring Rule provisions at 40 Code of Federal Regulations (CFR) 51.166 (as amended June 3, 2010, and effective August 2, 2010), into the North Carolina SIP at 15A North Carolina Administrative Code (NCAC) 02D .0544—*Prevention of Significant Deterioration Requirements for Greenhouse Gases*, to address the thresholds for GHG permitting applicability. Detailed background information and EPA's rationale for the proposed approval are provided in EPA's November 5, 2010, **Federal Register** notice.

EPA's November 5, 2010, proposed approval was contingent upon North Carolina providing a final SIP revision that was substantively the same as the revision proposed for approval by EPA in the November 5, 2010, proposed rulemaking. *See* 75 FR 68279. North Carolina provided its final SIP revision on May 17, 2011. In its final SIP revision, North Carolina made minor

<sup>1</sup> "Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act." 74 FR 66496 (December 15, 2009).

<sup>2</sup> "Interpretation of Regulations that Determine Pollutants Covered by Clean Air Act Permitting Programs." 75 FR 17004 (April 2, 2010).

<sup>3</sup> "Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards; Final Rule." 75 FR 25324 (May 7, 2010).

<sup>4</sup> "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule; Final Rule." 75 FR 31514 (June 3, 2010).