

EPA-APPROVED INDIANA REGULATIONS—Continued

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
2-3.4-6	Establishing a 10 year actuals PAL level	9/10/2004	6/18/2007, 72 FR 33395.	
2-3.4-7	Contents of the PAL permit	9/10/2004	6/18/2007, 72 FR 33395.	
2-3.4-8	PAL effective period and reopening of the PAL permit.	9/10/2004	6/18/2007, 72 FR 33395.	
2-3.4-9	Expiration of a PAL	9/10/2004	6/18/2007, 72 FR 33395.	
2-3.4-10	Renewal of a PAL	9/10/2004	6/18/2007, 72 FR 33395.	
2-3.4-11	Increasing a PAL during the PAL effective period.	9/10/2004	6/18/2007, 72 FR 33395.	
2-3.4-12	Monitoring requirements for PALs	9/10/2004	6/18/2007, 72 FR 33395.	
2-3.4-13	Record keeping requirements	9/10/2004	6/18/2007, 72 FR 33395.	
2-3.4-14	Reporting and notification requirements	9/10/2004	6/18/2007, 72 FR 33395.	
2-3.4-15	Termination and revocation of a PAL	9/10/2004	6/18/2007, 72 FR 33395.	
Rule 5.1. Construction of New Sources				
2-5.1-4	Transition procedures	9/10/2004	6/18/2007, 72 FR 33395.	
Rule 6. Emission Reporting				
2-6-1	Applicability	8/13/2006	3/29/2007, 72 FR 14678.	
2-6-2	Definitions	3/27/2004	10/29/2004, 69 FR 63069.	
2-6-3	Compliance schedule	8/13/2006	3/29/2007, 72 FR 14678.	
2-6-4	Requirements	8/13/2006	3/29/2007, 72 FR 14678.	
2-6-5	Additional information requests	3/27/2004	10/29/2004, 69 FR 63069.	
Rule 8. Federally Enforceable State Operating Permit Program				
2-8-1	Definitions	6/24/1994	8/18/1995, 60 FR 43008.	
2-8-2	Applicability	6/24/1994	8/18/1995, 60 FR 43008.	
2-8-3	Permit application	6/24/1994	8/18/1995, 60 FR 43008.	
2-8-4	Permit content	12/16/2007	10/6/2009, 74 FR 51240.	
2-8-5	Compliance requirements for FESOPs	6/24/1994	8/18/1995, 60 FR 43008.	
2-8-6	Federally enforceable requirements	6/24/1994	8/18/1995, 60 FR 43008.	
2-8-7	Permit issuance, renewal, and revisions	6/24/1994	8/18/1995, 60 FR 43008.	
2-8-8	Permit reopening	6/24/1994	8/18/1995, 60 FR 43008.	
2-8-9	Permit expiration	6/24/1994	8/18/1995, 60 FR 43008.	
2-8-10	Administrative permit amendments	6/24/1994	8/18/1995, 60 FR 43008.	
2-8-11	Permit modification (Repealed)	6/24/1994	8/18/1995, 60 FR 43008.	
2-8-11.1	Permit revisions	6/24/1994	8/18/1995, 60 FR 43008.	
2-8-12	Emergency provision	6/24/1994	8/18/1995, 60 FR 43008.	
2-8-13	Public notice	6/24/1994	8/18/1995, 60 FR 43008.	
2-8-14	Review by U.S. EPA	6/24/1994	8/18/1995, 60 FR 43008.	
2-8-15	Operational flexibility	6/24/1994	8/18/1995, 60 FR 43008.	
2-8-16	Fees	6/24/1994	8/18/1995, 60 FR 43008.	
2-8-17	Local agencies	6/24/1994	8/18/1995, 60 FR 43008.	
Rule 9. Source Specific Operating Agreement Program				
2-9-1	General provisions	6/24/1994	4/2/1996, 61 FR 14487.	
2-9-2	Source specific restrictions and conditions (Repealed).	6/24/1994	4/2/1996, 61 FR 14487	Sec. 2(a), 2(b), and 2(e)
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[FR Doc. 2011-17036 Filed 7-7-11; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA-R05-OAR-2006-0976; FRL-9430-5]

Approval and Promulgation of Air Quality Implementation Plans; Ohio; Control of Gasoline Volatility; Correction**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule; correcting amendment.**SUMMARY:** This document corrects an error in the codification in a May 25, 2007, final rule under the Clean Air Act pertaining to a request for the use of low Reid Vapor Pressure (RVP) fuel in the Cincinnati and Dayton areas. Clinton County, Ohio is actually not part of the area affected by the rulemaking.**DATES:** *Effective Date:* This final rule is effective on July 8, 2011.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. EPA published a final approval of Ohio rules that request use of low RVP fuel in the Cincinnati and Dayton areas on May 25, 2007 (72 FR 29269). The codification of this approval states that the Ohio rules require that low-RVP fuel of 7.8 pounds per square inch (psi) be sold in Hamilton, Butler, Clinton, Warren, Clermont, Clark, Greene, Miami, and Montgomery counties. However, the addition of Clinton County in the final rule and the codification was a clerical error. The Ohio rules submitted to EPA for action do not apply to Clinton County, Ohio. The error has resulted in a discrepancy between 40 CFR 52.1870 and the state rules of Ohio. This document corrects the erroneous amendatory language.

Correction

In the codification published in the **Federal Register** on May 25, 2007 (72 FR 29269), on page 29273 in the second column, paragraph numbered (138): “Areas which includes Hamilton, Butler, Clinton, Warren and Clermont, Clark, Greene, Miami, and Montgomery counties.” is corrected to read: “Areas which include Hamilton, Butler, Warren and Clermont, Clark, Greene, Miami, and Montgomery Counties.”

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(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 today’s rule final without prior proposal and opportunity for comment because we are merely correcting an incorrect citation in a previous action. The underlying state rule is not affected. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(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 July 8, 2011. 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 to 40 CFR part 52 for Ohio is not a “major rule” as defined by 5 U.S.C. 804(2).

Dated: June 24, 2011.

Susan Hedman,

Regional Administrator, Region 5.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

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 KK—Ohio

- 2. Section 52.1870 is amended by revising paragraph (c)(138) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(138) On February 14, 2006, and October 6, 2006, the State of Ohio submitted a revision to the Ohio State Implementation Plan. This revision is for the purpose of establishing a gasoline Reid Vapor Pressure (RVP) limit of 7.8 pounds per square inch (psi) for gasoline sold in the Cincinnati and

Dayton areas which include Hamilton, Butler, Warren, Clermont, Clark, Greene, Miami, and Montgomery Counties.

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[FR Doc. 2011-17049 Filed 7-7-11; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R01-OAR-2008-0639; EPA-R01-OAR-2008-0641; EPA-R01-OAR-2008-06642; EPA-R01-OAR-2008-0643; A-1-FRL-9431-2]

Approval and Promulgation of Implementation Plans; Connecticut, Maine, New Hampshire and Rhode Island; Infrastructure SIPs for the 1997 8-Hour Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving submittals from the States of Connecticut, Maine, New Hampshire and Rhode Island. These submittals outline how each state's State Implementation Plan (SIP) meets the requirements of the Clean Air Act (CAA) for the 1997 8-hour ozone national ambient air quality standards (NAAQS). Section 110(a) of the CAA requires that each state adopt and submit a SIP for the implementation, maintenance and enforcement of each NAAQS promulgated by the EPA. This SIP is commonly referred to as an infrastructure SIP. Specifically, EPA is taking final action to fully approve the submittals from Connecticut, Maine, New Hampshire and Rhode Island, with one exception. EPA is taking direct final action to conditionally approve one element of Connecticut's submittal. These actions are being taken under the Clean Air Act.

DATES: *Effective Dates:* This rule will be effective August 8, 2011, with one exception. The conditional approval of one element of Connecticut's SIP is a direct final rule which will be effective September 6, 2011, unless EPA receives adverse comments on that action by August 8, 2011.

If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, if any, on EPA's direct final conditional approval for Connecticut, identified by Docket ID Number EPA-R01-OAR-200-0639 by one of the following methods:

1. <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

2. *E-mail:* arnold.anne@epa.gov Fax: (617) 918-0047. Mail: "Docket Identification Number EPA-R01-OAR-2008-0639", Anne Arnold, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, (Mail code OEP05-2), Boston, MA 02109-3912

3. *Hand Delivery or Courier.* Deliver your comments to: Anne Arnold, Manager, Air Quality Planning Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, (Mail code OEP05-2), Boston, MA 02109-3912. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

Instructions: Direct your comments for Connecticut to Docket ID No. EPA-R01-OAR-2008-0639. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through <http://www.regulations.gov>, or e-mail, information that you consider to be CBI or otherwise protected. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov> your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, *i.e.*, 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 in [http://](http://www.regulations.gov)

www.regulations.gov or in hard copy at Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100, Boston, MA. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Richard P. Burkhart, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100, Boston, MA 02109-3912, telephone number (617) 918-1664, fax number (617) 918-0664, e-mail Burkhart.Richard@epa.gov.

SUPPLEMENTARY INFORMATION:

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I. Background

Section 110(a) of the Clean Air Act imposes the obligation upon states to make a SIP submission to EPA for a new or revised NAAQS, but the contents of that submission may vary depending upon the facts and circumstances. In particular, the data and analytical tools available at the time the state develops and submits the SIP for a new or revised NAAQS affects the content of the submission. The contents of such SIP submissions may also vary depending upon what provisions the state's existing SIP already contains. In the case of the 1997 8-hour ozone NAAQS, states typically have met the basic program elements required in section 110(a)(2) through earlier SIP submissions in connection with previous ozone standards.

On October 2, 2007, EPA issued a guidance document entitled, "Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 1997