

4. Meet the requirements of § 25.863.

5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

6. Have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.

7. Have a failure sensing and warning system to alert the flightcrew if its failure affects safe operation of the airplane.

8. Have a means for the flightcrew or maintenance personnel to determine the battery charge state if the battery's function is required for safe operation of the airplane.

**Note:** A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging. For the purpose of these special conditions, a "battery" and "battery system" are referred to as a battery.

Issued in Renton, Washington, on April 24, 2017.

**Michael Kaszycki,**

*Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2017-09202 Filed 5-5-17; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2017-0360]

#### Drawbridge Operation Regulation; Mill River, New Haven, CT

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Chapel Street Bridge across the Mill River, mile 0.4 at New Haven, Connecticut. This deviation is necessary to complete mortar and fender repairs as well as structural steel work. This deviation allows the bridge to open for the passage of vessels upon 2 hours of advance notice as well as a four day closure of the draw to all vessel traffic.

**DATES:** This deviation is effective from 12:01 a.m. on May 8, 2017, through 11:59 p.m. on May 30, 2017.

**ADDRESSES:** The docket for this deviation, USCG-2017-0360 is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email James M. Moore, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard; telephone 212-514-4334, email [james.m.moore2@uscg.mil](mailto:james.m.moore2@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The City of New Haven, the owner of the bridge, requested a temporary deviation from the normal operating schedule to facilitate rehabilitation of the bridge. The Chapel Street Bridge, across the Mill River, mile 0.4 at New Haven, Connecticut offers mariners a vertical clearance of 7.9 feet at mean high water and 14 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.213(d).

Under this temporary deviation, the Chapel Street Bridge will open for the passage of vessels requiring an opening provided 2 hours of advance notice is furnished to the owner of the bridge; except that, from 7:30 a.m. to 8:30 a.m. and 4:45 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessel traffic. The bridge will remain closed to all vessels from 12:01 a.m. May 11, 2017 to 11:59 p.m. May 14, 2017.

The bridge routinely opens for commercial vessels. Nevertheless, outreach with mariners has indicated the requirement for 2 hours of advance notice will not impede routine waterway operations. Mariners also offered no objection to a four day closure of the draw in order to complete the necessary repair work to the bridge.

Vessels that can pass under the bridge without an opening may do so at all times except during the full channel closure between May 11, 2017 and May 14, 2017. The bridge will be able to open for emergencies. There is no alternate route for vessels to pass.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this

temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 3, 2017.

**C.J. Bisignano,**

*Supervisory Bridge Management Specialist, First Coast Guard District.*

[FR Doc. 2017-09212 Filed 5-5-17; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2016-0562; FRL-9961-17-Region 3]

#### Approval and Promulgation of Air Quality Implementation Plans; Maryland; 2016 Nitrogen Oxides Averaging Plan Consent Agreement With Raven Power

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the State of Maryland. The revision pertains to a Consent Agreement between Maryland and Raven Power concerning an inter-facility averaging plan for emissions of nitrogen oxides (NO<sub>x</sub>) at facilities located in Maryland and owned by Raven Power. The Consent Agreement allows Raven Power to use system-wide emissions averaging to comply with the applicable NO<sub>x</sub> emission limits for six units located at two electric generating facilities, Brandon Shores and H.A. Wagner, owned by Raven Power. EPA is approving this revision in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on June 7, 2017.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2016-0562. 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, e.g., 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 through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER**

**INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Irene Shandruk, (215) 814-2166, or by email at [shandruk.irene@epa.gov](mailto:shandruk.irene@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Maryland's COMAR 26.11.09.08—Control of NO<sub>x</sub> Emissions for Major Stationary Sources—was approved into Maryland's SIP pursuant to section 182 of the CAA. This regulation established NO<sub>x</sub> emission limits for the 1-hour ozone national ambient air quality standard (NAAQS) for specific types of boilers and other fuel-burning equipment. Specifically, COMAR 26.11.09.08.C(2) established maximum NO<sub>x</sub> emission rates as pounds (lbs) of NO<sub>x</sub> per million British thermal units (MMBtu) per hour, ranging from 0.45 lbs/MMBtu to 0.80 lbs/MMBtu, depending on the type of combustion unit. COMAR 26.11.09.08 also contains a provision that allows an owner or operator of more than one unit to demonstrate compliance with system-wide emissions standards through the use of an averaging plan.

On July 28, 2016, the State of Maryland through the Maryland Department of the Environment (MDE) submitted to EPA a SIP revision submittal consisting of a Consent Agreement between MDE and Raven Power establishing an inter-facility averaging plan for NO<sub>x</sub> emissions at two electric generating facilities, Brandon Shores and H.A. Wagner, collectively called Fort Smallwood. Both facilities are owned by Raven Power. MDE requested that this new Consent Agreement and NO<sub>x</sub> averaging plan replace the Consent Order and NO<sub>x</sub> averaging plan previously approved into the Maryland SIP on February 27, 2002 (67 FR 8897). On December 27, 2016 (81 FR 95078), EPA published a notice of proposed rulemaking (NPR) proposing to approve Maryland's SIP revision. No public comments were received on the NPR.

**II. Summary of SIP Revision**

The Consent Agreement between MDE and Raven Power allows Raven Power to use system-wide emissions averaging to comply with the applicable NO<sub>x</sub> limits for six boiler units (Brandon Shores units 1 and 2 and H.A. Wagner units 1 through 4) subject to COMAR 26.11.09.08. Pursuant to the new Consent Agreement, Raven Power is required to calculate mass emissions from the affected units on a daily basis, determine compliance with the averaging plan using continuous

emissions monitors (CEMs), and to submit quarterly reports to both MDE and EPA. In the Consent Agreement, Raven Power agreed that if it fails to comply with the NO<sub>x</sub> averaging plan, all sources at Brandon Shores and Wagner remain subject to the unit-specific emission limits of COMAR

26.11.09.08.C (shown in Table 1) and must demonstrate compliance through the requirements found in COMAR 26.11.09.08.B(2). The aggregate mass emissions from all units at Brandon Shores and Wagner, under the NO<sub>x</sub> averaging plan, must be less than the mass emissions that would otherwise occur if each unit were subject to the applicable NO<sub>x</sub> emissions limit of COMAR 26.11.09.08.C.

TABLE 1—NO<sub>x</sub> EMISSION LIMITS FOR FORT SMALLWOOD  
[As per COMAR 26.11.09.08.C]

| Facility             | Unit | Limit (lbs/MMBtu) |
|----------------------|------|-------------------|
| Brandon Shores ..... | 1    | 0.5               |
|                      | 2    | 0.5               |
| H.A. Wagner .....    | 1    | 0.3               |
|                      | 2    | 0.5               |
|                      | 3    | 0.5               |
|                      | 4    | 0.3               |

Additionally, according to the Consent Agreement, Raven Power must submit a written report and certify annually that the annual NO<sub>x</sub> mass emissions for all six affected units are at least twenty percent less than otherwise allowed from the affected units by the applicable NO<sub>x</sub> emission limits of COMAR 26.11.09.08.

In addition, in the July 28, 2016 SIP submittal, Maryland seeks to remove from the Maryland SIP the April 2001 Consent Order between Maryland and Constellation Power Source Generation (Constellation) which functioned as a NO<sub>x</sub> averaging plan for compliance with COMAR 26.11.09.08 for ten units at five facilities—Brandon Shores units 1 and 2; C.P. Crane units 1 and 2; H.A. Wagner units 1 through 4; Gould Street unit 3; and Riverside unit 4. EPA had approved the April 2001 Consent Order between Maryland and Constellation into the Maryland SIP on February 27, 2002 (67 FR 8897). The 2001 NO<sub>x</sub> averaging plan is no longer effective for compliance with COMAR 26.11.09.08 as Constellation is not the owner of all of these units and COMAR 26.11.09.08 permitted system-wide averaging only when the same person owned or operated all affected units. COMAR 26.11.09.08.B(4)(a). A more detailed description of the NO<sub>x</sub> averaging plan and the rationale for EPA's proposed

action approving the plan for inclusion in the Maryland SIP can be found in the NPR and technical support document (TSD) on [www.regulations.gov](http://www.regulations.gov) under Docket ID No. EPA-R03-OAR-2016-0562, and will not be restated here. No public comments were received on the NPR.

**III. Final Action**

EPA finds that Raven Power's NO<sub>x</sub> emissions averaging plan meets all the applicable requirements of the SIP-approved COMAR 26.11.09.08, particularly subsection .08B(4), for emissions averaging by emissions sources. The Consent Agreement also includes appropriate provisions for monitoring, recordkeeping, and reporting as well as assuring compliance and enforceability. As discussed in the TSD in more detail, EPA expects the Consent Agreement will strengthen the Maryland SIP and lead to additional NO<sub>x</sub> emission reductions. Thus, EPA is approving for inclusion into the Maryland SIP Maryland's Consent Agreement with Raven Power concerning a NO<sub>x</sub> emissions averaging plan pursuant to section 110 of the CAA.

**IV. Incorporation by Reference**

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of Maryland's Consent Agreement with Raven Power concerning a NO<sub>x</sub> averaging plan discussed in section II of this document as well as in the TSD supporting this rulemaking action. Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.<sup>1</sup> EPA has made, and will continue to make, these materials generally available through <http://www.regulations.gov> and/or at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

<sup>1</sup> 62 FR 27968 (May 22, 1997).

**V. 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 Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- 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. Section 804, however, exempts from section 801 the following types of rules: Rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). Because this is a rule of particular applicability, EPA is not required to submit a rule report regarding this action under section 801.

**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 July 7, 2017. 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 concerning Maryland's Consent Agreement with Raven Power establishing a NO<sub>x</sub> averaging plan 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.

Dated: March 21, 2017.  
**Cecil Rodrigues,**  
*Acting Regional Administrator, 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 (d) is amended by:
  - a. Removing the entry for "Constellation Power Source Generation, Inc.—Brandon Shores Units #1 & 2; Gould Street Unit #3; H. A. Wagner Units #1, 2, 3 & 4; C. P. Crane Units #1 & 3; and Riverside Unit #4"; and
  - b. Adding the entry for "Raven Power Fort Smallwood, LLC—Brandon Shores units 1 and 2; and H. A. Wagner units 1, 2, 3, and 4" at the end of the table.

The added text reads as follows:

**§ 52.1070 Identification of plan.**

\* \* \* \* \*  
 (d) \* \* \*

| Name of source   | Permit No./type                                       | State effective date | EPA approval date                                  | Additional explanation |
|--|---|----------------------|--|------------------------|
| * * * * *  | * * * * *   | * * * * *            | * * * * *  | * * * * *              |
| Raven Power Fort Smallwood, LLC—Brandon Shores units 1 and 2; and H. A. Wagner units 1, 2, 3, and 4. | Consent Agreement and NO <sub>x</sub> Averaging Plan. | 2/28/16              | 5/8/17, [Insert <b>Federal Register</b> citation]. |                        |

\* \* \* \* \*  
 [FR Doc. 2017-09176 Filed 5-5-17; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R03-OAR-2016-0454; FRL-9961-25-Region 3]

**Approval and Promulgation of Air Quality Implementation Plans; Maryland; New Regulations for Architectural and Industrial Maintenance Coatings**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the State of Maryland. This revision pertains to a provision establishing new volatile organic compound (VOC) content limits and standards for architectural and industrial maintenance (AIM) coatings available for sale and use in Maryland. This action is being taken under the Clean Air Act (CAA).

**DATES:** This final rule is effective on June 7, 2017.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2016-0454. 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, e.g., 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 through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. **FOR FURTHER INFORMATION CONTACT:** Irene Shandruk, (215) 814-2166, or by email at [shandruk.irene@epa.gov](mailto:shandruk.irene@epa.gov). **SUPPLEMENTARY INFORMATION:**

**I. Background**

In 2001, the Ozone Transport Commission (OTC), in collaboration with the Ozone Transport Region (OTR) states, developed several emission reduction measures, including a VOC model rule for AIM coatings (known as the Phase I AIM model rule), which

addressed VOC reductions in the OTR. In 2004, consistent with the OTC Phase I AIM model rule, Maryland adopted COMAR 26.11.33—*Architectural Coatings*, which established VOC content limits, recordkeeping and labeling requirements, and standard practices for use and application of coatings used in architectural and industrial maintenance.

The Phase I AIM model rule was replaced with an amended OTC model rule in 2011 (known as the Phase II AIM model rule). The Phase II AIM model rule was developed for states that needed additional VOC emission reductions in order to meet the ozone national ambient air quality standards (NAAQS). Consistent with the Phase II AIM model rule, Maryland developed and adopted COMAR 26.11.39—*Architectural and Industrial Maintenance Coatings*, which is an updated version of COMAR 26.11.33.

On June 27, 2016, the Maryland Department of the Environment (MDE) submitted to EPA a SIP revision (16-09) containing new AIM regulations .01 through .08 under COMAR 26.11.39—*Architectural and Industrial Maintenance Coatings* to be included in the Maryland SIP and requesting removal of COMAR 26.11.33 from the SIP, as COMAR 26.11.39 supercedes COMAR 26.11.33. On November 28, 2016 (81 FR 85455), EPA published a notice of proposed rulemaking (NPR) proposing approval of Maryland’s new AIM regulations.

**II. Summary of SIP Revision**

The new AIM regulations apply to any person who manufactures, blends, thins, supplies, sells, offers for sale, repackages for sale, or applies architectural and industrial maintenance coatings in Maryland. Maryland’s new AIM regulations establish more stringent VOC content limits (Table 1) and standards for AIM coating categories than in COMAR 26.11.33, as well as establish container labeling requirements, reporting requirements, and compliance procedures. The requirements of COMAR 26.11.39 supersede those of COMAR 26.11.33. Other specific requirements and the rationale for EPA’s proposed action are explained in the NPR and technical support document for this rulemaking and will not be restated here. No public comments were received on the NPR.

**TABLE 1—VOC CONTENT LIMITS UNDER COMAR 26.11.39 FOR VARIOUS AIM COATING CATEGORIES**

| Architectural and industrial maintenance coatings category | Maryland’s new VOC content limits (grams/liter) under COMAR 26.11.39 |
|--|--|
| Flat coatings .....  | 50   |
| Non-flat coatings .....                                    | 100  |
| Non-flat—high gloss coatings                               | 150  |
| <b>Specialty Coatings</b>                                  |  |
| Aluminum roof coatings .....                               | 450  |
| Basement specialty coatings                                | 400  |
| Bituminous roof coatings .....                             | 270  |
| Bituminous roof primers .....                              | 350  |
| Bond breakers .....  | 350  |
| Calcimine recoater .....                                   | 475  |
| Concrete curing compounds                                  | 350  |
| Concrete/masonry sealers .....                             | 100  |
| Concrete surface retarders .....                           | 780  |
| Conjugated oil varnish .....                               | 450  |
| Conversion varnish .....                                   | 725  |
| Driveway sealers .....                                     | 50   |
| Dry fog coatings .....                                     | 150  |
| Faux finishing coatings .....                              | 350  |
| Fire-resistive coatings .....                              | 350  |
| Floor coatings .....                                       | 100  |
| Form-release coatings .....                                | 250  |
| Graphic arts coatings (Sign paints) .....                  | 500  |
| High-temperature coatings ...                              | 420  |
| Impacted immersion coatings                                | 780  |
| Industrial maintenance coatings .....                      | 250  |
| Low-solids coatings .....                                  | 120  |
| Magnesite cement coatings ..                               | 450  |
| Mastic texture coatings .....                              | 100  |
| Metallic pigmented coatings                                | 500  |
| Multi-color coatings .....                                 | 250  |
| Nuclear coatings .....                                     | 450  |
| Pre-treatment wash primers                                 | 420  |
| Primers, sealers, and undercoaters .....                   | 100  |
| Reactive penetrating sealers                               | 350  |
| Reactive penetrating carbonate stone sealers .....         | 500  |
| Recycled coatings .....                                    | 250  |
| Roof coatings .....  | 250  |
| Rust preventative coatings ...                             | 250  |
| <b>Shellacs</b>  |  |
| Clear .....  | 730  |
| Opaque .....   | 550  |
| Specialty primers, sealers, and undercoaters .....         | 100  |
| Stains .....   | 250  |
| Stone consolidant .....                                    | 450  |
| Swimming pool coatings .....                               | 340  |
| Thermoplastic rubber coatings and mastic .....             | 550  |
| Traffic marking coatings .....                             | 100  |
| Tub and tile refinish coatings                             | 420  |
| Waterproofing membranes ...                                | 250  |
| Wood coatings .....  | 275  |
| Wood preservatives .....                                   | 350  |
| Zinc-rich primers .....                                    | 340  |