

R336.1817 Emission limitations and restrictions for Portland cement kilns.

(i) *Incorporation by reference.* The following sections of the Michigan Administrative Code are incorporated by reference.

(A) R336.1802 Applicability under oxides of nitrogen budget trading program, effective May 20, 2004.

(B) R336.1803 Definitions for oxides of nitrogen budget trading program, effective December 4, 2002.

(C) R336.1804 Retired unit exemption from oxides of nitrogen budget trading program, effective May 20, 2004.

(D) R336.1805 Standard requirements of oxides of nitrogen budget trading program, effective December 4, 2002.

(E) R336.1806 Computation of time under oxides of nitrogen budget trading program, effective December 4, 2002.

(F) R336.1807 Authorized account representative under oxides of nitrogen budget trading program, effective December 4, 2002.

(G) R336.1808 Permit requirements under oxides of nitrogen budget trading program, effective December 4, 2002.

(H) R336.1809 Compliance certification under oxides of nitrogen budget trading program, effective December 4, 2002.

(I) R336.1810 Allowance allocations under oxides of nitrogen budget trading program, effective December 4, 2002.

(J) R336.1811 New source set-aside under oxides of nitrogen budget trading program, effective May 20, 2004.

(K) R336.1812 Allowance tracking system and transfers under oxides of nitrogen budget trading program, effective December 4, 2002.

(L) R336.1813 Monitoring and reporting requirements under oxides of nitrogen budget trading program, effective December 4, 2002.

(M) R336.1814 Individual opt-ins under oxides of nitrogen budget trading program, effective December 4, 2002.

(N) R336.1815 Allowance banking under oxides of nitrogen budget trading program, effective December 4, 2002.

(O) R336.1816 Compliance supplement pool under oxides of nitrogen budget trading program, effective December 4, 2002.

(P) R336.1817 Emission limitations and restrictions for Portland cement kilns, effective December 4, 2002.

#### § 52.1218 [Amended]

■ 3. Section 52.1218 is amended by removing and reserving paragraph (a).

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[MD170-3113a; FRL-7851-5]

#### Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions From Yeast Manufacturing; Correction

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

**ACTION:** Direct final rule; correcting amendment.

**SUMMARY:** EPA is correcting the format in the Identification of plan section of a State Implementation Plan (SIP) revision for control of volatile organic compound (VOC) emissions from yeast manufacturing which EPA approved as part of the Maryland SIP on October 27, 2004. This document corrects an error in the rule format of a final rule pertaining to the State of Maryland.

**DATES:** Effective December 27, 2004.

**FOR FURTHER INFORMATION CONTACT:** Harold A. Frankford, (215) 814-2108 or by e-mail at [frankford.harold@epamail.epa.gov](mailto:frankford.harold@epamail.epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document wherever “we,” or “our” are used we mean EPA.

On October 27, 2004 (69 FR 62589), we published a final rulemaking action announcing approval of a revision to the Maryland State Implementation Plan (SIP) pertaining to control of volatile organic compounds (VOC) emissions from yeast manufacturing operations (COMAR 26.11.19.17). In our approval action, EPA incorporated by reference (IBR’d) the State rule and codified this IBR action at § 52.1070(c)(189). The effective date of the action is December 27, 2004. Subsequently, on November 29, 2004 (69 FR 69304), we published an administrative rulemaking action announcing format revisions to the Identification of plan section in 40 CFR part 52, subpart V (Maryland), as well as changes to the format for materials which are incorporated by reference (IBR). This administrative rulemaking action both recodified the existing § 52.1070 as § 52.1100 entitled “Original Identification of plan section,” and created a new § 52.1070 entitled “Identification of plan.” We are revising the entry for COMAR 26.11.19.17 in § 52.1070(c), effective December 27, 2004, so that it reflects EPA’s October 27, 2004 approval action of the revised COMAR 26.11.19.17.

In rule document 04-23948 published in the **Federal Register** on October 27, 2004 (69 FR 62589), on page 62591 in

the second column, Amendatory Instruction Number 2 is withdrawn.

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. 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 December 27, 2004. 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 52.52.1070(c) for Maryland is not a "major rule" as defined by 5 U.S.C. 804(2).

Dated: December 14, 2004.

**Donald S. Welsh**,  
Regional Administrator, EPA Region III.

**List of Subjects in 40 CFR Part 52**

Air pollution control, Environmental protection, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

■ Accordingly, the amendment to 40 CFR 52.1070 published in the **Federal Register** on October 27, 2004 (69 FR 62591), which was to become effective on December 27, 2004, is withdrawn, and 40 CFR part 52 is further 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 Section 52.1070, the table in paragraph (c) is amended by revising the entry for COMAR 26.11.19.17 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 40 CFR 52.1100
* * * * *				
<b>26.11.19 Volatile Organic Compounds From Specific Processes</b>				
* * * * *				
26.11.19.17 .....	Control of Volatile Organic Compounds (VOC) Emissions from Yeast Manufacturing.	6/21/04	10/27/04, 69 FR 62589	SIP effective date is 12/27/04.
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**ENVIRONMENTAL PROTECTION AGENCY**  
**40 CFR Part 52**  
[R03-OAR-2004-DC-0008; FRL-7852-6]  
**Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emission Standards for Mobile Equipment Repair and Refinishing**  
**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve a revision to the District of Columbia State Implementation Plan (SIP). The revision establishes regulations for the control of volatile organic compound (VOC) emissions from mobile equipment repair and refinishing operations in the District of Columbia (the District). EPA is approving this revision to the District of Columbia SIP in accordance with the requirements of the Clean Air Act (CAA or the Act).  
**DATES:** This rule is effective on February 22, 2005 without further notice, unless EPA receives adverse written comment by January 24, 2005. If EPA receives