

Veterans, Vocational education,  
Vocational rehabilitation.

**William F. Russo,**

*Deputy Director, Office of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.*

For the reasons set out in the preamble, 38 CFR parts 18 and 21 are correctly amended as follows:

**PART 18—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

■ 1. The authority citation for 38 CFR part 18, subpart E continues to read as follows:

**Authority:** Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101, *et seq.*; 45 CFR part 90 (1979).

**Appendix B to Subpart E [Amended]**

■ 2. Amend Appendix B to Subpart E, at the table titled “*Age Distinctions in Regulations Governing Federal Financial Assistance Programs of the Department of Veterans Affairs*,” third column, last paragraph, by removing “3.51,”.

**PART 21—VOCATIONAL REHABILITATION AND EDUCATION**

■ 3. The authority citation for part 21, subpart A continues to read as follows:

**Authority:** 38 U.S.C. 501(a), chs. 18, 31, and as noted in specific sections.

**§ 21.260 [Amended]**

■ 4. Amend § 21.260(d) by removing “3.51,”.

[FR Doc. 2011-14401 Filed 6-9-11; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R03-OAR-2009-0881; FRL-9308-9]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to Requirements for Major Sources Locating in or Impacting a Nonattainment Area in Allegheny County**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve a revision to the Pennsylvania State Implementation Plan

(SIP) which was submitted on November 16, 2006 by the Pennsylvania Department of Environmental Protection (PADEP). This change to Allegheny County’s Air Pollution Control Rules and Regulations amends the existing requirements for sources locating in or impacting a nonattainment area in Allegheny County by incorporating Federal modeling requirements. EPA is approving these revisions to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This rule is effective on August 9, 2011 without further notice, unless EPA receives adverse written comment by July 11, 2011. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2009-0881 by one of the following methods:

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

B. *E-mail:* [cox.kathleen@epa.gov](mailto:cox.kathleen@epa.gov).

C. *Mail:* EPA-R03-OAR-2009-0881, Kathleen Cox, Associate Director, Office of Permits and Air Toxics, Mailcode 3AP10, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket’s normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-R03-OAR-2009-0881. 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 information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. 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://www.regulations.gov> or in hard copy 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 Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105; and the Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201.

**FOR FURTHER INFORMATION CONTACT:** Paul T. Wentworth, P.E. (215) 814-2183, or by e-mail at: [wentworth.paul@epa.gov](mailto:wentworth.paul@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Throughout this rulemaking action, whenever “we,” “us,” or “our” is used, we are referring to EPA. On November 16, 2006, PADEP submitted a revision to the Pennsylvania SIP. This change to Allegheny County’s Air Pollution Control Rules and Regulations amends the existing requirements for sources locating in or impacting a nonattainment area by incorporating Federal modeling requirements.

**II. Summary of the SIP Revision**

EPA is approving a formal revision to the Pennsylvania SIP submitted by the State on November 16, 2006 by the PADEP. This SIP revision adds a new paragraph (2102.06.g.) to Allegheny

County's Article XXI Air Pollution Control Rules and Regulations and amends the existing requirements for sources locating in or impacting nonattainment areas by incorporating the modeling requirements from 40 CFR part 51, subpart I, entitled "Review of New Sources and Modifications." These requirements specify that where air quality models are used to meet the provisions of this section, modeling must be based on the applicable models and other requirements specified in 40 CFR part 51, appendix W, entitled "Federal Guideline on Air Quality Models" (Guideline). Additionally, these requirements explicitly state where an air quality model specified in the Guideline is inappropriate, the model may be modified or another model substituted but only on a case-by-case basis or, where appropriate, on a generic basis for a specific State program. Modifying or substituting a model requires written approval of the EPA Administrator. In addition, the use of a modified or substituted model is subject to public comment under procedures set forth in Federal regulation 40 CFR 51.102.

### III. Final Action

EPA is approving a revision to the Pennsylvania SIP as submitted on November 16, 2006. This revision adds the modeling requirements in 40 CFR part 51, subpart I as a new paragraph 2102.06.g., entitled "Requirements of Modeling", to Allegheny County's Article XXI, section 2102.06, "Major Sources Locating in or Impacting a Nonattainment Area." EPA is publishing this rule without prior proposal because EPA views this as a non-controversial amendment and anticipates no adverse comment. This revision to Allegheny County's regulation 2102.06, addresses the requirements in Federal regulation 40 CFR part 51 subpart I. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on August 9, 2011 without further notice unless EPA receives adverse comment by July 11, 2011. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

### 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 August 9, 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking.

This action which modifies the Pennsylvania SIP by adding the Federal modeling requirements of 40 CFR part 51, subpart I for Allegheny County 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 6, 2011.  
W.C. Early,  
Acting Regional Administrator, Region III.  
40 CFR part 52 is amended as follows:

Authority: 42 U.S.C. 7401 *et seq.*

§ 52.2020 Identification of plan.

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(c) \* \* \*  
(2) \* \* \*

**Subpart NN—Pennsylvania**

**PART 52—[AMENDED]**

■ 1. The authority citation for part 52 continues to read as follows:

■ 2. In § 52.2020, the table in paragraph (c)(2) is amended by amending the entry for section 2102.06 to read as follows:

Article XX or XXI citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
*	*	*	*	*
<b>Part B Permits Generally</b>				
*	*	*	*	*
2102.06 .....	Major Sources Locating in or Impacting a Non-attainment Area.	7/10/05	6/10/11 [ <i>Insert page number where the document begins.</i> ]	Addition of new paragraph 2102.06.g.
*	*	*	*	*

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