

based on a determination that the commodities or services are of a type not produced in and available for purchase in Code xxx and may also be based on a factual finding that a commodity is not mined or grown in Code xxx, or if produced, any substantial part of manufacturing, assembly or processing of a commodity takes place in a country other than in Code xxx. A waiver under paragraph (a)(1) of this section may also be based on the fact that a commodity is not available for purchase in Code xxx in sufficient, reasonable and available quantities or sufficient and reasonable quality that is fit for the intended purpose.

(c) A waiver to authorize procurement from outside the United States of agricultural commodities, motor vehicles, and pharmaceuticals (see § 228.18) must also meet the requirements established in USAID directives on commodity eligibility. USAID will maintain a list of current requirements for commodity eligibility, which will be available in USAID's Automated Directives System, ADS 310.

(d) Any individual transaction not exceeding \$25,000 (excluding those covered by special procurement rules in § 228.18) does not require a waiver.

#### **§ 228.31 Authority to approve waivers.**

The authority to approve waivers of established policies on source and nationality are delegated authorities within USAID. Contractors or recipients of assistance agreements shall request any necessary waivers through the USAID contracting or agreement officer.

**John R. Niemeyer,**  
Office of the General Counsel.

[FR Doc. 2011-20773 Filed 8-18-11; 8:45 am]

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## **DEPARTMENT OF THE TREASURY**

### **Internal Revenue Service**

#### **26 CFR Part 1**

**[REG-109006-11]**

**RIN 1545-BK13**

#### **Modifications of Certain Derivative Contracts; Correction**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to notice of proposed rulemaking by cross-reference to temporary regulations.

**SUMMARY:** This document contains corrections to a notice of proposed rulemaking by cross-reference to

temporary regulations (REG-109006-11) relating to whether an exchange for purposes of § 1.1001-1(a) occurs for the nonassigning counterparty when there is an assignment of certain derivative contracts. It was published in the **Federal Register** on Friday, July 22, 2011 (76 FR 43957).

**FOR FURTHER INFORMATION CONTACT:** Concerning the proposed regulations, Andrea M. Hoffenson, (202) 622-3920 (not a toll-free number).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The correction notice that is the subject of this document is under section 1001 of the Internal Revenue Code.

##### **Need for Correction**

As published, the notice of proposed rulemaking by cross-reference to temporary regulations (REG-109006-11) contains errors that may prove to be misleading and are in need of clarification.

##### **Correction of Publication**

Accordingly, the publication of the notice of proposed rulemaking by cross-reference to temporary regulations (REG-109006-11), which was the subject of FR Doc. 2011-18531, is corrected as follows:

1. On page 43957, column 2, in the preamble, under the caption **FOR FURTHER INFORMATION CONTACT:**, second line, the language “Andrea Hoffenson, (202) 622-3920” is corrected to read “Andrea M. Hoffenson, (202) 622-3920.”

2. On page 43957, column 4, in the preamble, under the paragraph heading “Drafting Information”, third line, the language “Office of Associate Chief Council” is corrected to read “Office of Associate Chief Counsel”.

**LaNita Van Dyke,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. 2011-21182 Filed 8-18-11; 8:45 am]

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## **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 52**

**[EPA-R03-OAR-2011-0600; FRL-9453-3]**

#### **Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Plastic Parts and Business Machines Coating Standards**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Maryland (Maryland). This SIP revision includes amendments to the Code of Maryland (COMAR) 26.11.19.07, Volatile Organic Compounds from Specific Processes, Paper, Fabric, Film and Foil Coating, and adds new COMAR 26.11.19.07-2, Plastic Parts and Business Machines Coating. Maryland's SIP revision meets the requirement to adopt Reasonably Available Control Technology (RACT) for sources covered by EPA's Control Techniques Guidelines (CTG) for Miscellaneous Metal and Plastic Parts Coatings and will help Maryland attain and maintain the National Ambient Air Quality Standard (NAAQS) for ozone. This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before September 19, 2011.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2011-0600 by one of the following methods:

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

B. E-mail:

*fernandez.cristina@epa.gov*.

C. Mail: EPA-R03-OAR-2011-0600, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, 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-2011-0600. 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 Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

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

**SUPPLEMENTARY INFORMATION:** On June 22, 2011, the Maryland Department of

the Environment (MDE) submitted to EPA a SIP revision concerning the adoption of the plastic parts and business machines coating standards found in the Miscellaneous Metal and Plastic Parts CTG.

## I. Background

Section 172(c)(1) of the CAA provides that SIPs for nonattainment areas must include reasonably available control measures (RACM), including RACT for sources of emissions. Section 182(b)(2)(A) provides that for certain nonattainment areas, states must revise their SIPs to include RACT for sources of volatile organic compound (VOC) emissions covered by a CTG document issued after November 15, 1990 and prior to the area's date of attainment.

CTGs are intended to provide state and local air pollution control authorities information that should assist them in determining RACT for VOCs from various sources, including plastic parts and business machines coatings. In developing these CTGs, EPA, among other things, evaluated the sources of VOC emissions from this industry and the available control approaches for addressing these emissions, including the costs of such approaches. Based on available information and data, EPA provided recommendations for RACT for VOCs from plastic parts and business machines coatings.

In June 1978, EPA published a CTG for controlling VOC emissions from surface coating of miscellaneous metal and plastic products (EPA-450/2-78-015), which includes plastic parts and business machines coatings. This CTG discusses the nature of VOC emissions from this industry, available control technologies for addressing such emissions, the costs of available control options, and other items. EPA promulgated national standards of performance for new stationary sources New Source Performance Standards for miscellaneous metal and plastic products industry and EPA also published a national emission standard for hazardous air pollutants (NESHAP) for this industry.

In 2008, after conducting a review of currently existing state and local VOC emission reduction approaches for the plastic parts and business machines industry, reviewing the 1978 CTG and the NESHAP for this industry, and taking into account the information that has become available since then, EPA

developed a new CTG for miscellaneous metal and plastic parts, entitled *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings* (Publication No. EPA 453/R-08-003).

The miscellaneous metal product and plastic parts surface coatings categories under section 183(e) of the CAA includes the coatings that are applied to the surfaces of a varied range of metal and plastic parts and products. Such parts or products are constructed either entirely or partially from metal or plastic. The VOC emissions from miscellaneous metal product and plastic parts surface coating processes result from the evaporation of the volatile components of the coatings and cleaning materials used in these operations.

## II. Summary of SIP Revision

On June 22, 2011, MDE submitted to EPA a SIP revision (#11-03) concerning the adoption of the emission limits for plastic parts and business machines coatings, part of the EPA miscellaneous metal and plastic parts coatings CTG. EPA develops CTGs as guidance on control requirements for source categories. States can follow the CTGs or adopt more restrictive standards. Maryland has adopted EPA's CTG standards for plastic parts and business machine coating processes. These regulations are in COMAR 26.11.19, Volatile Organic Compounds from Specific Processes. Specifically, this revision amends the existing regulation in Section 26.11.19.07 by moving existing VOC coating standards for plastic parts and vinyl from this section to new a Section, COMAR 26.11.19.07-2, Plastic Parts and Business Machines Coating. Additionally, coating standards for plastic parts and business machines from EPA's CTG are being adopted into COMAR 26.11.19.07-2, as well as new definitions and application methods. Tables 1–3 below outline the emission standards adopted by Maryland for plastic parts coatings, business machines coatings, and printing standards. A detailed summary of EPA's review of and rationale for proposing to approve this SIP revision may be found in the Technical Support Document (TSD) for this action which is available on line at <http://www.regulations.gov>, Docket number EPA-R03-OAR-2011-0600.

TABLE 1—PLASTIC PARTS COATING STANDARDS

Coating installation	Applicability (pounds of VOC per day)	Pounds of VOC per gal- lon of coating (as applied minus water)	Kilograms of VOC per liter of coating (as applied minus water)
Decorative coating of other plastic parts .....	20	5.9	0.70
General, one-component .....	15	2.3	0.28
General, multi-component .....	15	3.5	0.42
Electric dissipating coatings and shock-free coatings .....	15	6.7	0.80
Extreme performance .....	15	3.5	0.42
Metallic .....	15	3.5	0.42
Military specification, one-component .....	15	2.8	0.34
Military specification, multi-component .....	15	3.5	0.42
Mold seal .....	15	6.3	0.76
Multi-colored coatings .....	15	5.7	0.68
Optical coatings .....	15	6.7	0.80
Plastic vehicle parts .....	20	3.0	0.36
Vacuum-metalizing .....	15	6.7	0.80
Vinyl .....	20	3.8	0.45

TABLE 2—BUSINESS MACHINES COATING STANDARDS

Coating installation	Applicability (lbs of VOC per day)	Pounds of VOC per gal- lon of coating (as applied minus water)	Kilograms of VOC per liter of coating (as applied minus water)
Prime coat .....	15	2.9	0.35
Topcoat .....	15	2.9	0.35
Texture coat .....	15	2.9	0.35
Fog coat .....	15	2.9	0.26
Touchup and repair .....	15	2.9	0.35

TABLE 3—PRINTING STANDARDS

Printing installation	Applicability (lbs of VOC per day)	Pounds of VOC per gal- lon of coating (as applied minus water)	Kilograms of VOC per liter of coating (as applied minus water)
Plastic other than vinyl .....	Non-major source .....	5.8	0.69
Plastic other than vinyl .....	Major source as defined in COMAR 26.11.19.01B(4)	3.8	0.45
Vinyl .....	20 .....	3.8	0.45

### III. Proposed Action

EPA is proposing to approve Maryland's SIP revision for adoption of the CTG standards for plastic parts and business machines coatings. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

### IV. Statutory and Executive Order Reviews

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 proposes to approve state law as

meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed 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 proposed rule concerning Maryland's adoption of CTG standards for plastic parts and business machines coatings 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.

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

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

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

Dated: August 3, 2011.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2011-21279 Filed 8-18-11; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R03-OAR-2011-0491; EPA-R03-OAR-2011-0570; FRL-9453-5]

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

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Maryland. These SIP revisions pertain to amendments to Maryland's rule for the control of volatile organic compound (VOC) emissions from chemical production and polytetrafluoroethylene (PTFE) operations, from paint, resin, and adhesive manufacturing, and from adhesive and sealant application. These SIP revisions also pertain to an addition of a new regulation for the control of VOC emissions from adhesives and sealants. This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before September 19, 2011.

**ADDRESSES:** Submit your comments, identified by Docket ID Numbers EPA-

R03-OAR-2011-0491 and EPA-R03-OAR-2011-0570 by one of the following methods:

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

B. E-mail:

[fernandez.cristina@epa.gov](mailto:fernandez.cristina@epa.gov).

C. Mail: EPA-R03-OAR-2011-0491 and EPA-R03-OAR-2011-0570, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, 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 Nos. EPA-R03-OAR-2011-0491 and EPA-R03-OAR-2011-0570. 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 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:** On April 18, 2008, the Maryland Department of the Environment (MDE) submitted revisions to its SIP (Maryland SIP #08-02) regarding the control of VOC emissions from PTFE operations (amending Regulation .30 under COMAR 26.11.19) and from adhesives and sealants operations (adding Regulations .01-.07 under a new chapter, COMAR 26.11.35). On May 28, 2009, MDE submitted another revision to its SIP (Maryland SIP #09-01) amending Regulation .01 under COMAR 26.11.35. In addition, on April 23, 2010, EPA received a SIP revision (Maryland SIP #10-06) amending the control of VOC emissions from paint, resin, and adhesive manufacturing and adhesive and sealant application (Regulations .15A and .15C(4) under COMAR 26.11.19).

The SIP revisions consist of the following:

#### A. Amendments to Regulation .30, Control of Volatile Organic Compounds From Chemical Production and Polytetrafluoroethylene Operations Under COMAR 26.11.19 (Volatile Organic Compounds From Specific Processes)

COMAR 26.11.19.30 (Control of Volatile Organic Compounds from Chemical Production and Polytetrafluoroethylene Operations) is in the Maryland SIP. (See 40 CFR 52.1070(c) and 68 FR 33000, June 3, 2003). COMAR 26.11.19.30 sets reasonably available control technology (RACT) for: (1) Organic chemical installations which are process equipment that operate independently or in combination with other equipment reactors, distillation columns, evaporators, strippers and other similar