in the United States and, in the case of continuing guarantees, signed under the
penalty of perjury?
(a) Do retailers who obtain such guarantees obtain them for all, most,
some, or few of the textile products they sell?
(b) Why do retailers decline to obtain such guarantees?
(c) Have changes in technology, such as the use of electronic documents,
affected the ability of retailers to obtain valid separate or continuing guarantees?
If so, why and how? If not, why not?
(d) Provide any evidence concerning the extent to which retailers obtain such
 guarantees and the reasons why retailers decline to obtain them.
(23) What proportion of textile products sold in the U.S. are imported?
What proportion of imported products are imported directly by retailers? What
proportion are imported by businesses located in the United States for resale or
distribution to retailers? How have these proportions since the Textile
Act and Rules became effective?
(a) Have changes in the extent or manner in which textile products are
imported affected the ability of retailers to obtain valid separate or continuing
 guarantees? If so, does the ability of retailers to obtain such guarantees differ
depending on whether the textile products are imported directly by
retailers versus imported by businesses for resale or distribution to retailers?
(b) Provide any evidence concerning the costs of obtaining valid guarantees
 for imported textile products and the impact of such costs on the ability
of retailers to obtain valid guarantees.
(c) Do changes in the extent or manner in which textile products are
 imported indicate that the Textile Act and Rules should be modified? If so,
 why and how? If not, why not?
You can file a comment online or on paper. For the Commission to consider
your comment, we must receive it on or before January 3, 2012. Write “Textile
Rules, 16 CFR Part 303, Project No. P948404000” on your comment. Your
comment—including your name and your state—will be placed on the public
record of this proceeding, including, to the extent practicable, on the public
Commission Web site, at http://
www.ftc.gov/os/publiccomments.shtm.
As a matter of discretion, the
Commission tries to remove individuals’ home contact information from
comments before placing them on the
Commission Web site. Because your
comment will be made public, you are
solely responsible for making sure that
your comment doesn’t include any
 sensitive personal information, such as
 anyone’s Social Security number, date
of birth, driver’s license number or other
state identification number or foreign
country equivalent, passport number,
financial account number, or credit or
debit card number. You are also solely
responsible for making sure that your
 comment doesn’t include any sensitive
health information, like medical records
or other individually-identifiable health
 information. In addition, don’t include
 any “[]trade secret or any commercial or
financial information which is obtained
from any person and which is privileged
or confidential,” as provided in Section
6(f) of the FTC Act, 15 U.S.C. 46(f), and
In particular, don’t include competitively-sensitive information
such as costs, sales statistics,
 inventories, formulas, patterns, devices,
manufacturing processes, or customer
names.
If you want the Commission to give
 your comment confidential treatment,
you must file it in paper form, with a
request for confidentiality treatment, and
you must follow the procedure
explained in FTC Rule 4.9(c), 16 CFR
4.9(c). Your comment will be kept
confidential only if the FTC General
Counsel, in his or her sole discretion,
grants your request in accordance with
the law and the public interest.
Postal mail addressed to the
Commission is subject to delay due to
heightened security screening. As a
result, we encourage you to submit your
online comment. To make sure that the
Commission considers your online
comment, you must file it at http://
ftcpubliccommentworks.com/ftc/
textilerulesanpr
by following the instructions on the web-based form. If
this Notice appears at http://
www.regulations.gov/#/home, you also
may file a comment through that
Web site.
 If you file your comment on paper,
write “Textile Rules, 16 CFR Part 303,
Project No. P948404000” on your comment
and on the envelope and mail or deliver
it to the following address: Federal
Trade Commission, Office of the
Secretary, Room H–113 (Annex C),
600 Pennsylvania Avenue NW.,
Washington, DC 20580. If possible, submit
your paper comment to the Commission by
 courier or overnight service.
Visit the Commission Web site at
http://www.ftc.gov to read this Notice
and the news release describing it. The
FTC Act and other laws that the
Commission administers permit the
collection of public comments to
consider and use in this proceeding as
appropriate. The Commission will
consider all timely and responsive
public comments that it receives on or
before January 3, 2012. You can find
more information, including routine
uses permitted by the Privacy Act, in
the Commission’s privacy policy, at
List of Subjects in 16 CFR Part 303
Advertising, Labeling, Recordkeeping,
Textile fiber products.
Authority: 15 U.S.C. 70 et seq.
By direction of the Commission.
Donald S. Clark,
Secretary.

DEPARTMENT OF STATE
22 CFR Part 121
RIN 1400–AC96
[Public Notice: [ 7673]]
Amendment to the International Traffic in Arms Regulations: Revision of U.S.
Munitions List Category VIII
AGENCY: Department of State.
ACTION: Proposed rule.
SUMMARY: As part of the President’s Export Control Reform effort, the
Department of State proposes to amend the International Traffic in Arms
Regulations (ITAR) to revise Category VIII (aircraft and related articles) of
the U.S. Munitions List (USML) to describe more precisely the military aircraft
and related defense articles warranting
control on the USML.
DATES: The Department of State will
accept comments on this proposed rule
december 22, 2011.
ADDRESSES: Interested parties may
submit comments within 45 days of the
date of publication by one of the
following methods:
E-mail: DDTCTResponseTeam@state.gov with the
subject line, “ITAR Amendments—
Category VIII.
Internet: At http://
www.regulations.gov, search for this
notice by using this rule’s RIN (1400–
AC96).
Comments received after that date will
be considered if feasible, but
consideration cannot be assured. All
comments (including any personally
identifying information or information
for which a claim of confidentiality
asserted in those comments or their transmittal emails) will be made available for public inspection and copying after the close of the comment period via the Directorate of Defense Trade Controls Web site at http://www.pmddtc.state.gov. Parties who wish to comment anonymously may do so by submitting their comments via http://www.regulations.gov, leaving the fields that would identify the commenter blank and including no identifying information in the comment itself. Comments submitted via http://www.regulations.gov are immediately available for public inspection.

SUPPLEMENTARY INFORMATION: The Directorate of Defense Trade Controls (DDTC), U.S. Department of State, administers the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120–130). The items subject to the jurisdiction of the ITAR, i.e., “defense articles,” are identified on the ITAR’s U.S. Munitions List (USML) (22 CFR 121.1). With few exceptions, items not subject to the export control jurisdiction of the ITAR are subject to the jurisdiction of the Export Administration Regulations (“EAR.” 15 CFR parts 730–774, which includes the Commerce Control List in part 774), administered by the Bureau of Industry and Security (BIS), U.S. Department of Commerce. Both the ITAR and the EAR impose license requirements on exports and reexports. Items not subject to the ITAR or to the exclusive licensing jurisdiction of any other set of regulations are subject to the EAR.

Export Control Reform Update

The Departments of State and Commerce described in their respective Advanced Notices of Proposed Rulemaking (ANPRM) in December 2010 the Administration’s plan to make the USML and the CCL positive, tiered, and aligned so that eventually they can be combined into a single control list (see “Commerce Control List: Revising Descriptions of Items and Foreign Availability.” 75 FR 76664 (Dec. 9, 2010) and “Revision to the United States Munitions List.” 75 FR 76935 (Dec. 10, 2010)). The notices also called for the establishment of a “bright line” between the USML and the CCL to reduce government and industry uncertainty regarding export jurisdiction by clarifying whether particular items are subject to the jurisdiction of the ITAR or the EAR. While these remain the Administration’s ultimate Export Control Reform objectives, their concurrent implementation would be problematic in the near term. In order to more quickly reach the national security objectives of greater interoperability with our allies, enhancing our defense industrial base, and permitting the U.S. Government to focus its resources on controlling and monitoring the export and reexport of more significant items to destinations, end uses, and end users of greater concern than our NATO and other multi-regime partners, the Administration has decided, as an interim step, to propose and implement revisions to both the USML and the CCL that are more positive, but not yet tiered.

Specifically, based in part on a review of the comments received in response to the December 2010 notices, the Administration has determined that fundamentally altering the structure of the USML by tiering and aligning them on a category-by-category basis would significantly disrupt the export control compliance systems and procedures of exporters and reexporters. For example, until the entire USML was revised and became final, some USML categories would follow the legacy numbering and control structures while the newly revised categories would follow a completely different numbering structure. In order to allow for the national security benefits to flow from re-aligning the jurisdictional status of defense articles that no longer warrant control on the USML on a category-by-category basis while minimizing the impact on exporters’ internal control and jurisdictional and classification marking systems, the Administration plans to propose and build positive lists now and afterward return to structural changes.

Revision of Category VIII

This proposed rule revises USML Category VIII, covering aircraft and related articles, to establish a clearer line between the USML and the CCL regarding controls over military aircraft and related articles. The proposed revision narrows the types of aircraft and related items controlled on the USML to only those that warrant control under the stringent requirements of the Arms Export Control Act. Changes include moving similar articles currently controlled in multiple categories into a single category or subcategory (e.g., inertial navigations systems for aircraft formerly controlled under Category VIII(e) will likely be moved to controls either in Category XII or the CCL in future proposed rules and, as noted in proposed Category VIII(b), gas turbine engines for articles controlled in that category will likely be included in proposed Category XIX, which will be the subject of a separate notice). Other former Category VIII subcategories have been “reserved” because the Department is proposing to change the jurisdictional status of the items covered therein so that they would become subject to the EAR, most likely under ECCN 9A610 or 9A619.

This proposed rule also revises § 121.3 to more clearly define “aircraft” for purposes of the revised USML Category VIII.

The most significant aspect of this more positive, but not yet tiered, proposed USML category is that it does not contain controls on all generic parts, components, accessories, and attachments that are specifically designed or modified for a defense article, regardless of their significance to maintaining a military advantage for the United States. Rather, it contains, with one principal exception, a positive list of specific types of parts, components, accessories, and attachments that continue to warrant control on the USML. The exception pertains to parts, components, accessories, and attachments “specially designed” for the following U.S.-origin aircraft that have low observable features or characteristics: B–1B, B–2, F–15SE, F/A18E/F/G, F–22, F–35 (and variants thereof), F–117, or United States Government technology demonstrators.

All other parts, components, accessories, and attachments “specially designed” for a military aircraft and other articles now subject to USML Category VIII would become subject to the new 600 series controls in Category 9 of the CCL to be published separately by the Department of Commerce. The Administration has also proposed revisions to the jurisdictional status of certain militarily less significant end items that do not warrant USML control, but the primary impact of this proposed change will be with respect to current USML controls on parts, components, accessories, and attachments that no longer warrant USML control.

Definition for Specially Designed

Although one of the goals of the export control reform initiative is to describe USML controls without using design intent criteria, a few of the controls in the proposed revision nonetheless use the term “specially designed.” It is, therefore, necessary for the Department to define the term. Two definitions have been proposed to date.

The Department first provided a draft definition for “specially designed” in the December 2010 ANPRM (75 FR 76935) and noted the term would be used minimally for USML controls only to remain consistent with the Wassenaar Arrangement or other
multilateral regime obligation or when no other reasonable option exists to describe the control without using the term. The draft definition provided at that time is as follows: “For the purposes of this Subchapter, the term “specially designed” means that the end-item, equipment, accessory, attachment, system, component, or part (see ITAR § 121.8) has properties that (i) distinguish it for certain predetermined purposes, (ii) are directly related to the functioning of a defense article, and (iii) are used exclusively or predominantly in or with a defense article identified on the USML.”

The Department of Commerce subsequently published on July 15, 2011, for public comment, the Administration’s proposed definition of “specially designed” that would be common to the CCL and the USML. The public provided more than 40 comments on that proposed definition on or before the September 13 deadline for comments. The Departments of State, Commerce, and Defense are now reviewing those comments and related issues, and the Departments of State and Commerce plan to publish for public comment another proposed rule on a definition of “specially designed” that would be common to the USML and the CCL. For the purpose of evaluation of this proposed rule, reviewers should use the definition provided in the December 2010 ANPRM.

Request for Comments

As the U.S. Government works through the proposed revisions to the USML, some solutions have been adopted that were determined to be the best of available options. With the thought that multiple perspectives would be beneficial to the USML revision process, the Department welcomes the assistance of users of the lists and requests input on the following: (1) A key goal of this rulemaking is to ensure the USML and the CCL together control all the items that meet Wassenaar Arrangement commitments embodied in Munitions List Category 10 (ML 10). To that end, the public is asked to identify any potential lack of coverage brought about by the proposed rules for Category VIII contained in this FRN and the new Category 9 ECCNs published separately by the Department of Commerce when reviewed together.

(2) While many of the aircraft controlled in paragraph (a) of Category VIII are defined based on objective parameters, some are not. For example, unmanned aerial vehicles currently controlled under Category VIII from those currently controlled, and will remain so controlled, under ECCN 9A012. The public is asked to provide input on regulatory language that would control those with an objective description that precludes removal from the USML, and does not inadvertently designate as “defense articles” aircraft currently subject to the EAR.

Regulatory Analysis and Notices

Administrative Procedure Act

The Department of State is of the opinion that controlling the import and export of defense articles and services is a foreign affairs function of the United States Government and that rules implementing this function are exempt from § 553 (Rulemaking) and § 554 (Adjudications) of the Administrative Procedure Act. Although the Department is of the opinion that this rule is exempt from the rulemaking provisions of the APA, the Department is publishing this rule with a 45-day provision for public comment and without prejudice to its determination that controlling the import and export of defense services is a foreign affairs function. As noted above, and also without prejudice to the Department position that this rulemaking is not subject to the APA, the Department previously published a related Advance Notice of Proposed Rulemaking (RIN 1400–AC78), and accepted comments for 60 days.

Regulatory Flexibility Act

Since this proposed amendment is not subject to 5 U.S.C. 553, it does not require analysis under the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This proposed amendment does not involve a mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This proposed amendment has been found not to be a major rule within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996.

Executive Orders 12372 and 13132

This proposed amendment will not 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 government. Therefore, in accordance with Executive Order 13132, it is determined that this proposed amendment does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this proposed amendment.

Executive Order 12866

The Department of State has reviewed the proposed amendment in light of sections 3(a) and 3(b)(2) of Executive Order 12866 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13175

The Department of State has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the requirement of Executive Order 13175 does not apply to this rulemaking.

Executive Order 13563

The Department of State has considered this rule in light of Executive Order 13563, dated January 18, 2011, and affirms that this regulation is consistent with the guidance therein.

Paperwork Reduction Act

This proposed amendment does not impose any new reporting or recordkeeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.
List of Subjects in Parts 120 and 121
Arms and munitions, Exports.
Accordingly, for the reasons set forth above, Title 22, Chapter I, Subchapter M, parts 120 and 121 are proposed to be amended as follows:

PART 120—PURPOSE AND DEFINITIONS

1. Section Contents is revised to read as follows:

* * * * *
120.33–120.36 [Reserved]
120.37 Foreign ownership and foreign control.
120.38 [Reserved]
120.39 Regular employee.
120.40 [Reserved]

PART 121—THE UNITED STATES MUNITIONS LIST

2. The authority citation for part 121 continues to read as follows:


3. Section 121.1 is amended by revising U.S. Munitions List Category VIII to read as follows:

§ 121.1 General. The United States Munitions List.

* * * * *

VIII—Aircraft and Related Articles

(a) Aircraft (see §121.3 of this subchapter) as follows:

*(1) Bombers;
(2) Fighters, fighter bombers, and fixed-wing attack aircraft;
(3) Jet-powered trainers used to train pilots for fighter, attack, or bomber aircraft;
(4) Attack helicopters;
(5) Unarmed military unmanned aerial vehicles (UAVs);
(6) Armed unmanned aerial vehicles;
(7) Military intelligence, surveillance, and reconnaissance aircraft;
(8) Electronic warfare, airborne warning and control aircraft;
(9) Air refueling aircraft and Strategic airlift aircraft;
(10) Target drones;
(11) Aircraft equipped with any mission systems controlled under this subchapter; or
(12) Aircraft capable of being refueled in flight including hover-in-flight refueling (HIFR).

(b) [Reserved—for items formerly controlled under this subcategory see Category XIX and an ECCN to be determined]

(c) [Reserved]

(d) Launching and recovery equipment “specially designed” for defense articles described in paragraph (a) of this category.

(e) [Reserved]

(f) Developmental aircraft and “specially designed” parts, components, accessories, and attachments thereof developed under a contract with the U.S. Department of Defense.

(g) [Reserved]

(h) Aircraft components, parts, accessories, attachments, and associated equipment as follows:

(1) Components, parts, accessories, attachments, and equipment “specially designed” for the following U.S.-origin aircraft: B-1B, F-22, F-15SE, F/A-18E/F/G, F-22, F-35 (and variants thereof), F-117, or United States Government technology demonstrators. Components, parts, accessories, attachments, and equipment of the F-15SE, and F/A-18 E/F/G that are common to earlier models of these aircraft, unless listed below, are subject to the jurisdiction of the Export Administration Regulations;

(2) Face gear gearboxes, splittorque gearboxes, variable speed gearboxes, synchronization shafts, interconnected drive shafts, and gearboxes with internal pitch line velocities exceeding 15,000 feet per minute and parts and components “specially designed” therefor;

(3) Tail boom, stabilator and automatic rotor blade folding systems and parts and components “specially designed” therefor;

(4) Aircraft wing folding systems and parts and components “specially designed” therefor;

(5) Tail hooks and arresting gear and parts and components “specially designed” therefor;

(6) Bomb racks, missile launchers, missile rails, weapon pylons, pylon-to-launcher adapters, UAV launching systems, and external stores support systems and parts and components “specially designed” therefor;

(7) Damage/failure-adaptive flight control systems;

(8) Threat-adaptive autonomous flight control systems;

(9) Non-surface-based flight control systems and effectors, e.g., thrust vectoring from gas ports other than main engine thrust vector, “specially designed” for aircraft;

(10) Radar altimeters with output power management or signal modulation (i.e., frequency hopping, chirping, direct sequence-spectrum spreading) LPI (low probability of intercept) capabilities;

(11) Air-to-air refueling systems and hover-in-flight refueling (HIFR) systems and parts and components “specially designed” therefor;

(12) UAV flight control systems and vehicle management systems with swarming capability, i.e., UAVs interact with each other to avoid collisions and stay together, or, if weaponized, coordinate targeting;

(13) Aircraft lithium-ion batteries that provide 28 VDC or 270 VDC;

(14) Lift fans, clutches, and roll posts for short take-off, vertical landing (STOVL) aircraft and parts and components “specially designed” for such lift fans and roll posts;

(15) Helmet Mounted Cueing Systems, Joint Helmet Mounted Cueing Systems (JHMCS), Helmet Mounted Displays, Display and Sight Helmets (DASH), and variants thereof;

(16) Fire control computers, mission computers, vehicle management computers, integrated core processors, stores management systems, armaments control processors, aircraft-weapon interface units and computers (e.g., AGM–88 HARM Aircraft Launcher Interface Computer (ALIC)) “specially designed” for aircraft;

(17) Radomes “specially designed” for operation in multiple or nonadjacent radar bands or designed to withstand a combined thermal shock greater than 4.184 x 10^6 J/m^2 accompanied by a peak overpressure of greater than 50 kPa;

(18) Drive systems and flight control systems “specially designed” to function after impact of a 7.62 mm or larger projectile; or

(19) Any component, part, accessory, attachment, equipment, or system that:

(i) is classified;

(ii) contains classified software;

(iii) is manufactured using classified production data; or

(iv) is being developed using classified information.

“Classified” in this subcategory means classified pursuant to Executive Order 13526, or predecessor order, and a security classification guide developed pursuant thereto or equivalent, or to the corresponding classification rules of another government.

(i) Technical data (as defined in §120.10 of this subchapter) and defense services (as defined in §120.9 of this subchapter) directly related to the defense articles enumerated in paragraphs (a) through (h) of this category. (See §125.4 of this subchapter for exemptions.)

* * * * *

4. Section 121.3 is revised to read as follows:

§ 121.3 Aircraft and related articles.

(a) In Category VIII, except as described in (b) below, “aircraft” means
developmental, production, or inventory aircraft that:

1. Are U.S.-origin aircraft that bear an original military designation of A, B, E, F, K, M, P, R or S;
2. Are foreign-origin aircraft “specially designed” to provide functions equivalent to those of the aircraft listed in (a)(1) of this section;
3. Are armed or are “specially designed” to be used as a platform to deliver munitions or otherwise destroy targets (e.g., firing lasers, launching rockets, firing missiles, dropping bombs, or strafing);
4. Are strategic airlift aircraft capable of airlifting payloads over 35,000 lbs to ranges over 2,000 nm without being refueled in-flight into short or unimproved airfields;
5. Are capable of being refueled in-flight; or
6. Incorporate any “mission systems” controlled under this subchapter. “Mission systems” are defined as “systems” (see § 121.8(g) of this subchapter) that are defense articles that perform specific military functions beyond airworthiness, such as by providing military communication, radar, active missile counter measures, target designation, surveillance, or sensor capabilities.

(b) Aircraft “specially designed” for military applications that are not identified in (a) of this section are subject to the EAR under an ECCN to be determined, including any unarmed military aircraft, regardless of origin or designation, manufactured prior to 1956 and unmodified since manufacture. Modifications made to incorporate safety of flight features or other FAA or NTSB modifications such as transponders and air data recorders are considered “unmodified” for the purposes of this subparagraph.

Ellen O. Tauscher,
Under Secretary, Arms Control and International Security, Department of State.

SUPPLEMENTARY INFORMATION:
A. www.regulations.gov. Follow the on-line instructions for submitting comments.
B. E-mail: fernandez.cristina@epa.gov
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–2011–0773. EPA’s policy is that all comments received will be included in the public docket without change, and may be made available online at 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 www.regulations.gov or email. The 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 email comment directly to EPA without going through www.regulations.gov, your email 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 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 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.

FOR FURTHER INFORMATION CONTACT: Marilyn Powers, (215) 814–2308, or by email at powers.marilyn@epa.gov.

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 52

Temporary Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to Nitrogen Oxides Budget Trading Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia that revises regulatory language that inadvertently ended its nitrogen oxides (NOx) budget at the end of the 2008 ozone season.

In the Final Rules section of this Federal Register, EPA is approving the State’s SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by December 7, 2011.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2011–0773 by one of the following methods:
A. www.regulations.gov. Follow the on-line instructions for submitting comments.
B. E-mail: fernandez.cristina@epa.gov
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–2011–0773. EPA’s policy is that all comments received will be included in the public docket without change, and may be made available online at 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 www.regulations.gov or email. The 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 email comment directly to EPA without going through www.regulations.gov, your email 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 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 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.

FOR FURTHER INFORMATION CONTACT: Marilyn Powers, (215) 814–2308, or by email at powers.marilyn@epa.gov.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the “Rules and Regulations” section of this Federal Register publication.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule approving Virginia’s revision to its NOx Budget Trading program and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: October 25, 2011.
W.C. Early,
Acting Regional Administrator, Region III.