administering the Department’s programs and activities.

**Summary of potential costs and benefits:**

The benefits of the Disability and Rehabilitation Research Projects and Centers Programs have been well established over the years in that similar projects have been completed successfully. This final priority will generate new knowledge through research and development.

Another benefit of the final priority is that establishing new DRRPs will improve the lives of individuals with disabilities. The new DRRPs will provide support and assistance for NIDRR grantees as they generate, disseminate, and promote the use of new information that will improve the options for individuals with disabilities to perform regular activities of their choice in the community.

**Accessible Format:** Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

**Electronic Access to This Document:** The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available via the Federal Digital System at: www.gpo.gov/fdsys. At this site you can view this document, as well as all other documents of this Department published in the Federal Register, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the Federal Register by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 12, 2013.

Michael Yudin,
Delegated the authority to perform the functions and duties of Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2013–09960 Filed 4–16–13; 8:45 am]
BILLING CODE 4000–01–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**


**Approval and Promulgation of Air Quality Implementation Plans: Delaware, State Board Requirements**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve a revision to the Delaware State Implementation Plan (SIP) submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC) on January 11, 2013. The SIP revision addresses requirements of the Clean Air Act (CAA) for all criteria pollutants of the national ambient air quality standards (NAAQS) in relation to State Boards. EPA is approving this SIP revision in accordance with the requirements of the CAA.

**DATES:** This rule is effective on June 17, 2013 without further notice, unless EPA receives adverse written comment by May 17, 2013. 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–2013–0091 by one of the following methods:

- www.regulations.gov. Follow the on-line instructions for submitting comments.
- Email: 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–2013–0091. 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 comments are 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. Copies of the State submittal are available at the Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 814–2182, or by email at quinto.rose@epa.gov.

**SUPPLEMENTARY INFORMATION:**

I. Background

Section 128 of the CAA requires SIPs to comply with the requirements regarding State Boards. Section 110(a)(2)(E)(ii) of the CAA also references these requirements. Section 128(a) of the CAA requires SIPs to contain provisions that: (1) Any board or body which approves permits or enforcement orders under the CAA have at least a majority of its members
represent the public interest and not derive any significant portion of their income from persons subject to permits or enforcement orders under the CAA; and (2) any potential conflict of interest by members of such board or body which approves air quality permits or enforcement orders. The requirements of CAA section 128(a)(2), however, are applicable to Delaware because DNREC’s cabinet level Secretary (i.e., the head of an executive agency) makes the referenced decisions.

II. Summary of SIP Revision

On January 11, 2013, DNREC submitted a SIP revision that addresses the requirements of CAA sections 128 and 110(a)(2)[E][ii] for all criteria pollutants NAAQS in relation to State Boards. Delaware’s statutes governing the relevant section 128 requirements are found in 29 Delaware Code Chapter 58, “Laws Regulating the Conduct of Officers and Employees of the State.” The conduct of the DNREC Secretary, and that of his employees, is subject to the requirements of 29 Delaware Code Chapter 58. State employees are required to follow the laws in Chapter 58 regarding employee conduct. Delaware is incorporating only certain relevant provisions of Chapter 58 into this SIP revision.

Chapter 58, Subpart II, Financial Disclosure

Section 5812. Definitions
Section 5813. Report disclosing financial information
Section 5813A. Report disclosing council or board membership
Section 5815. Violations; penalties; jurisdiction of Superior Court

III. EPA’s Analysis of Delaware’s SIP Revision

CAA sections 128 and 110(a)(2)[E][ii] require that each state’s SIP demonstrates how State Boards who approve CAA permits or enforcement orders in Delaware. DNREC is an executive agency that acts through its Secretary or a delegated state employee subordinate. DNREC submits that public disclosure of any potential conflict in the SIP as required by CAA sections 128 and 110(a)(2)[E][ii] is satisfied by 29 Delaware Code Chapter 58.

Chapter 58 applies to state employees and prohibits their exercise of official duties when there is a conflict of interest. The SIP revision reflects this existing law and demonstrates that Delaware complies with the requirements of CAA sections 128 and 110(a)(2)[E][ii].

IV. Final Action

EPA is approving the Delaware SIP revision that addresses the requirements of CAA sections 128 and 110(a)(2)[E][ii] for all criteria pollutants NAAQS. The SIP revision, which consists of relevant provisions of 29 Delaware Code Chapter 58, meets the requirements of CAA sections 128 and 110(a)(2)[E][ii]. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. 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 June 17, 2013 without further notice unless EPA receives adverse comment by May 17, 2013. 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.

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 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 26355, 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 which meets CAA sections 128 and
110(a)(2)(E)(ii) 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 June 17, 2013. 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, approving the SIP revision for purposes of meeting the CAA sections 128 and 110(a)(2)(E)(ii) requirements for all criteria pollutants of the NAAQS in relation to State Boards, 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.


W.C. Early,
Acting Regional Administrator, Region III.

§ 52.420 Identification of plan.

EPA-APPROVED REGULATIONS AND STATUTES IN THE DELAWARE SIP

<table>
<thead>
<tr>
<th>State regulation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Additional explanation</th>
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<tr>
<td>Section 5804</td>
<td>Definitions</td>
<td>12/4/12</td>
<td>4/17/13</td>
<td>[Insert Federal Register page number where the document begins and date]. Paragraphs (a), (b), (c), (f), (g), (h). Paragraphs (c) and (d).</td>
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<td>Section 5805</td>
<td>Prohibitions relating to conflicts of interest.</td>
<td>12/4/12</td>
<td>4/17/13</td>
<td>[Insert Federal Register page number where the document begins and date]. Paragraphs (a), (b), (c), (f), (g), (h). Paragraphs (c) and (d).</td>
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<td>Section 5806</td>
<td>Code of conduct</td>
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<td>[Insert Federal Register page number where the document begins and date]. Paragraphs (a), (b), (c), (f), (g), (h). Paragraphs (c) and (d).</td>
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</table>

Subpart II—Financial disclosure

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<th>EPA approval date</th>
<th>Additional explanation</th>
</tr>
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<td>Section 5812</td>
<td>Definitions</td>
<td>12/4/12</td>
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<td>[Insert Federal Register page number where the document begins and date]. Paragraphs (a), (b), (c), (f), (g), (h). Paragraphs (c) and (d).</td>
</tr>
<tr>
<td>Section 5813</td>
<td>Report disclosing financial information.</td>
<td>12/4/12</td>
<td>4/17/13</td>
<td>[Insert Federal Register page number where the document begins and date]. Paragraphs (a), (b), (c), (f), (g), (h). Paragraphs (c) and (d).</td>
</tr>
<tr>
<td>Section 5813A</td>
<td>Report disclosing council and board membership.</td>
<td>12/4/12</td>
<td>4/17/13</td>
<td>[Insert Federal Register page number where the document begins and date]. Paragraphs (a), (b), (c), (f), (g), (h). Paragraphs (c) and (d).</td>
</tr>
<tr>
<td>Section 5815</td>
<td>Violations; penalties; jurisdiction of Superior Court.</td>
<td>12/4/12</td>
<td>4/17/13</td>
<td>[Insert Federal Register page number where the document begins and date]. Paragraphs (a), (b), (c), (f), (g), (h). Paragraphs (c) and (d).</td>
</tr>
</tbody>
</table>

* * * * *
SUPPLEMENTARY INFORMATION:

FOR FURTHER INFORMATION CONTACT:

DATES:

ACTION:

Correcting amendment.

SUMMARY: In the December 17, 2012 Federal Register, EPA published a final rule that determines that grain sorghum ethanol qualifies as a renewable fuel under the RFS Program based on a lifecycle greenhouse gas analysis for grain sorghum ethanol. This action corrects typographical errors contained in the December 17, 2012, final rule.

DATES: Effective on April 17, 2013.

FOR FURTHER INFORMATION CONTACT: Jefferson Cole, Office of Transportation and Air Quality, Transportation and Climate Division, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460 (MC: 6041A); telephone number: 202–564–1283; fax number: 202–564–1177; email address: cole.jefferson@epa.gov.

SUPPLEMENTARY INFORMATION: This action corrects typographical errors in the regulatory text section of the final rule published on December 17, 2012. Section 553 of the Administrative Procedure Act (APA), 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. There is good cause for making this action final without prior proposal and opportunity for comment because the changes to this rule are minor corrections of typographical errors, are noncontroversial, and do not substantively change the agency actions taken in the final rule. Notice and comment is unnecessary, because these changes do not affect the rights or obligations of outside parties, and do not alter the requirements of the regulations published on December 17, 2012, except to the extent that the regulatory provisions are amended to correct typographical errors. We find that this constitutes good cause under 5 U.S.C. 553(b)(B). Section 307(d) of the CAA states that in the case of any rule to which section 307(d) applies, notice of proposed rulemaking must be published in the Federal Register (CAA § 307(d)(3)). The promulgation or revision of regulations for fuels or fuel additives under section 211 of the CAA is generally subject to section 307(d). However, section 307(d) does not apply to any rule referred to in subparagraphs (A) or (B) of section 553(b) of the APA.

Specifically, EPA is correcting the final rule to indicate that the recordkeeping requirements for the grain sorghum ethanol pathway regulatory text in 40 CFR Section 80.1454(k)(1) should reference 40 CFR 80.1454 (f)(10) rather than (f)(1). See 77 FR 74592. In addition, EPA is amending 40 CFR 80.1454(k)(2) to include non-substantive introductory text mistakenly omitted from the final rule.

EPA also finds that there is good cause under APA section 553(d)(3) for these corrections to become effective on the date of publication of this action. EPA finds good cause under APA section 553(d)(3) for these corrections to become effective on the date of publication of this action.

Statutory and Executive Order Reviews

Under Executive Order (EO) 12866, Regulatory Planning and Review (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 (OMB). The corrections do not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

Because EPA has made a "good cause" finding that this action is not subject to notice and comment requirements under the APA or any other statute, 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 the UMRA.

The corrections do not have substantial direct effects on the states, or on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in EO 13132, Federalism (64 FR 43255, August 10, 1999).

This action also does not significantly or uniquely affect the communities of tribal governments, as specified by EO 13175, Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 9, 2000). The corrections also are not subject to EO 13045, Protection of Children from Environmental Health and Safety Risks (62 FR 19885, April 23, 1997) because this action is not economically significant.

The corrections are not subject to EO 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001) because this action is not a significant regulatory action under EO 12866.