

TABLE 2—VOC CONTENT LIMITS FOR CLEANING SOLVENTS FOR MOTOR VEHICLE AND MOBILE EQUIPMENT REFINISHING AND RECOATING VOC CONTENT LIMIT FOR CLEANING SOLVENTS

Solvent category	Maximum VOC content	
Cleaning solvent (other than bug and tar removers) .....	0.21 lbs/gal ..	25 g/L.
Bug and tar removers** .....	40% VOC by weight.	

The regulation provides methods for calculating the VOC content of coatings and cleaning solvents and a list of test methods to be used for demonstrating compliance with provisions of this regulation. Instead of complying with the VOC content limits specified, a person subject to this regulation may use an emission control device that has been approved by MDE, which achieves an overall emission control efficiency of 85 percent or greater, as determined in accordance with the approved test methods. The regulation requires using at least one of the approved methods for applying an automotive coating, including: Flow or curtain coating, dip coating, brush coating, cotton-tipped swab application, electrodeposition coating, high volume-low pressure (HVP) spraying, electrostatic spraying, airless spraying, or an alternate spray equipment method approved by MDE. Work practice standards include procedures for cleaning the spray gun equipment for applying automotive coatings. Affected facilities are also required to keep extensive records on the total amount of coating used, VOC actual and regulatory contents, purchase records, and system operating parameters of any emission control device installed. Additional information concerning EPA's review 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 [www.regulations.gov](http://www.regulations.gov), Docket number EPA-R03-OAR-2012-0468.

### III. Proposed Action

The Maryland SIP revision for the control of VOC emissions from vehicle refinishing under Regulation COMAR 26.11.19.23, as adopted by the State of Maryland on March 26, 2012, meets the applicable requirements of the CAA and the applicable EPA regulations. The SIP revision will achieve emission reductions of VOC throughout the State of Maryland. EPA is proposing to approve this Maryland SIP revision submitted on May 8, 2012. 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, pertaining to Maryland's COMAR 26.11.19.23 "Control of Volatile Organic Compounds Emissions from Vehicle Refinishing," 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, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: June 27, 2012.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

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**BILLING CODE 6560-50-P**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Part 15

[FAR Case 2012-0018; Docket 2012-0018, Sequence 1]

RIN 9000-AM27

### Federal Acquisition Regulation; Price Analysis Techniques

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule.

**SUMMARY:** DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to clarify the use of a price analysis technique in order to establish a fair and reasonable price.

**DATES:** Interested parties should submit written comments to the Regulatory

Secretariat at one of the addressees shown below on or before September 10, 2012 to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments in response to FAR case 2012–018 by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for “FAR Case 2012–018”. Select the link “Submit a Comment” that corresponds with “FAR Case 2012–018.” Follow the instructions provided at the “Submit a Comment” screen. Please include your name, company name (if any), and “FAR Case 2012–018” on your attached document.

- *Fax:* 202–501–4067.

- *Mail:* General Services

Administration, Regulatory Secretariat (MVCB), ATTN: Hada Flowers, 1275 First Street NE., 7th Floor, Washington, DC 20417.

**Instructions:** Please submit comments only and cite FAR Case 2012–018, in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Mr. Edward N. Chambers, Procurement Analyst, at 202–501–3221 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAR Case 2012–018.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

FAR 15.404–1(b)(2) addresses various price analysis techniques and procedures the Government may use to ensure a fair and reasonable price. FAR 15.404–1(b)(2)(i) discusses the comparison of proposed prices received in response to a solicitation as an example of such techniques and procedures. In this discussion, FAR 15.404–1(b)(2)(i) references 15.403–1(c)(1), which sets forth the requirements of adequate price competition. However, only 15.403–1(c)(1)(i) actually addresses the situation when two or more responsible offerors, competing independently, submit priced offers that satisfy the Government’s expressed requirement. Therefore, the reference in 15.404–1(b)(2)(i) is more appropriately identified as 15.403–1(c)(1)(i).

##### **II. Executive Orders 12866 and 13563**

Executive Orders 12866 and 13563 (E.O.s) direct agencies to assess all costs

and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

##### **III. Regulatory Flexibility Act**

DoD, GSA, and NASA do not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because this rule merely clarifies the reference at FAR 15.404–1(b)(2)(i) for the use of the price analysis technique at 15.403–1(c)(1)(i) in order to establish a fair and reasonable price. However, an initial regulatory flexibility analysis (IRFA) has been prepared consistent with 5 U.S.C. 603, and is summarized as follows:

This rule amends the FAR at 15.404–1(b)(2)(i) to clarify the use of the price analysis technique at 15.403–1(c)(1)(i) in order to establish a fair and reasonable price. FAR 15.404–1(b)(2) addresses various price analysis techniques and procedures the Government may use to ensure a fair and reasonable price. FAR 15.404–1(b)(2)(i) discusses the comparison of proposed prices received in response to a solicitation as an example of such techniques and procedures. In this discussion, FAR 15.404–1(b)(2)(i) references 15.403–1(c)(1), which sets forth the requirements of adequate price competition. However, only FAR 15.403–1(c)(1)(i) actually addresses the situation when two or more responsible offerors, competing independently, submit priced offers that satisfy the Government’s expressed requirement. Therefore, the reference in 15.404–1(b)(2)(i) is more appropriately identified as 15.403–1(c)(1)(i). The proposed rule imposes no reporting, recordkeeping, or other information collection requirements. The rule does not duplicate, overlap, or conflict with any other Federal rules, and there are no known significant alternatives to the rule.

The Regulatory Secretariat has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat. DoD, GSA, and NASA invite comments from small business concerns and other interested parties on the expected impact.

DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by this proposed rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FAR case 2012–018), in correspondence.

##### **IV. Paperwork Reduction Act**

The proposed rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

##### **List of Subjects in 48 CFR Part 15**

Government procurement.

Dated: July 3, 2012.

**Laura Auletta,**

*Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.*

Therefore, DoD, GSA, and NASA propose amending 48 CFR part 15 as set forth below:

##### **PART 15—CONTRACTING BY NEGOTIATION**

1. The authority citation for 48 CFR part 15 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

##### **15.404–1 [Amended]**

2. Amend section 15.404–1 by removing from paragraph (b)(2)(i) “15.403–1(c)(1)” and adding “15.403–1(c)(1)(i)” in its place.

[FR Doc. 2012–16709 Filed 7–9–12; 8:45 am]

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##### **DEPARTMENT OF COMMERCE**

##### **National Oceanic and Atmospheric Administration**

##### **50 CFR Part 300**

[Docket No. 110321208–1203–01]

**RIN 0648–BA89**

##### **High Seas Driftnet Fishing Moratorium Protection Act; Identification and Certification Procedures To Address Shark Conservation**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** This proposed action sets forth identification and certification