

approved as of November 23, 2011, and 21 CFR 520.538 is amended to reflect the approval.

A summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this supplemental approval qualifies for 3 years of marketing exclusivity beginning on the date of approval.

The Agency has determined under 21 CFR 25.33 that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

#### List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

#### PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 520 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

■ 2. In § 520.538, revise paragraphs (a), (d)(1), and (d)(2) to read as follows:

##### § 520.538 Deracoxib.

(a) *Specifications.* Each tablet contains 12, 25, 50, 75, or 100 milligrams (mg) deracoxib.

\* \* \* \* \*

(d) \* \* \*

(1) *Amount.* Administer orally as needed, as a single daily dose based on body weight:

(i) 1 to 2 mg/kilogram (kg) (0.45 to 0.91 mg/pound (lb)), for use as in paragraph (d)(2)(i) of this section.

(ii) 1 to 2 mg/kg (0.45 to 0.91 mg/lb) for 3 days, for use as in paragraph (d)(2)(ii) of this section.

(iii) 3 to 4 mg/kg (1.4 to 1.8 mg/lb) for up to 7 days, for use as in paragraph (d)(2)(iii) of this section.

(2) *Indications for use.* (i) For the control of pain and inflammation associated with osteoarthritis.

(ii) For the control of postoperative pain and inflammation associated with dental surgery.

(iii) For the control of postoperative pain and inflammation associated with orthopedic surgery.

\* \* \* \* \*

Dated: January 23, 2012.

**William T. Flynn,**

*Acting Director, Center for Veterinary Medicine.*

[FR Doc. 2012-1622 Filed 1-25-12; 8:45 am]

**BILLING CODE 4160-01-P**

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[EPA-R03-OAR-2011-0730; FRL-9620-9]

#### Approval and Promulgation of Air Quality Implementation Plans; Virginia; Consumer and Commercial Products

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. The SIP revision adds a new chapter (9VAC5-45—Consumer and Commercial Products) in order to control volatile organic compounds (VOC) from portable fuel containers, consumer products, architectural and industrial (AIM) coatings, adhesives and sealants, and asphalt paving operations within the Northern Virginia and Fredericksburg VOC Emissions Control Areas. The SIP revision also includes new and revised documents incorporated by reference into the Virginia regulations (9VAC5-20-21—Documents Incorporated by Reference) in order to support the new and revised regulations. This action is being taken under the Clean Air Act (CAA).

**DATES:** *Effective Date:* This final rule is effective on February 27, 2012.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2011-0730. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (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 through [www.regulations.gov](http://www.regulations.gov) or in hard copy for public inspection 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 Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

#### FOR FURTHER INFORMATION CONTACT:

Gregory Becoat, (215) 814-2036, or by email at [becoat.gregory@epa.gov](mailto:becoat.gregory@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On November 8, 2011 (76 FR 69214), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Virginia. The NPR proposed approval of Virginia's consumer and commercial products regulations. The formal SIP revision was submitted by the Commonwealth of Virginia on March 18, 2010.

##### II. Summary of SIP Revision

The SIP revision consists of the following: (1) Amendments to Chapter 9VAC5-20-21—Documents Incorporated by Reference, in order to make administrative changes for clarity, style, format, renumbering, and incorporate by reference into the Virginia regulations the new and revised regulations; (2) adds a new chapter, 9VAC5-45—Consumer and Commercial Products (Chapter 45) for regulations pertaining to consumer and commercial products; (3) adds special provisions in Chapter 45 that specify monitoring, compliance, notification, general testing, recordkeeping and reporting requirements; (4) establishes standards for portable fuel containers for products manufactured before and after August 1, 2010; (5) establishes standards for consumer products for products manufactured before and after August 1, 2010; (6) establishes standards for architectural and industrial maintenance coatings; (7) establishes standards for adhesives and sealants; and (8) establishes standards for asphalt paving operations. These SIP revisions contain the required elements for a federally enforceable rule: emission limitations, compliance procedures and test methods, compliance dates and record keeping provisions. The Commonwealth of Virginia has adopted the standards and requirements of the consumer and commercial products regulations as recommended by the Ozone Transport Commission model

rule. Other specific requirements and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

### III. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) "privilege" for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1-1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information (1) that are generated or developed before the commencement of a voluntary environmental assessment; (2) that are prepared independently of the assessment process; (3) that demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) that are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege Law, Va. Code Sec. 10.1-1198, precludes granting a privilege to documents and information "required by law," including documents and information "required by Federal law to maintain program delegation, authorization or approval," since Virginia must "enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. \* \* \* The opinion concludes that "[r]egarding § 10.1-1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing

enforcement in a manner required by Federal law to maintain program delegation, authorization or approval."

Virginia's Immunity Law, Va. Code Sec. 10.1-1199, provides that "[t]o the extent consistent with requirements imposed by Federal law," any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since "no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity."

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

### IV. Final Action

EPA is approving the consumer and commercial products regulations as a revision to the Virginia SIP. This SIP revision will control emissions of VOCs, which will reduce the formation of ozone, and thereby protect public health and welfare.

### 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 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other

required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

#### C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 26, 2012. 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 pertaining to Virginia’s consumer and commercial products regulations, 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: January 4, 2012.

W.C. Early,

Acting Regional Administrator, Region III.

40 CFR Part 52 is amended as follows:

#### PART 52—[AMENDED]

- 1. The authority citation for 40 CFR part 52 continues to read as follows:

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

#### Subpart VV—Virginia

- 2. In § 52.2420, the table in paragraph (c) is amended by adding a new Chapter 45 in numerical order and the table in paragraph (e) is amended by adding an entry for Documents Incorporated by Reference to the end of the table. The amendments read as follows:

#### § 52.2420 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

#### EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*
<b>9VAC5, Chapter 45 Consumer and Commercial Products (applicable to the Northern Virginia and Fredericksburg VOC Emissions Control Areas)</b>				
<b>Part I Special Provisions</b>				
5–45–10 .....	Applicability .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5–45–20 .....	Compliance .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5–45–30 .....	Emission testing .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5–45–40 .....	Monitoring .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5–45–50 .....	Notification, records and reporting .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
<b>Part II Emission Standards</b>				
<b>Article 1 Emission Standards For Portable Fuel Containers And Spouts Manufactured Before August 1, 2010</b>				
5–45–60 .....	Applicability .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5–45–70 .....	Exemptions .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5–45–80 .....	Definitions .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5–45–90 .....	Standard for volatile organic compounds.	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5–45–100 .....	Administrative requirements .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5–45–110 .....	Compliance .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5–45–120 .....	Compliance schedules .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5–45–130 .....	Test methods and procedures .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5–45–140 .....	Monitoring .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5–45–150 .....	Notification, records and reporting .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
<b>Article 2 Emission Standards For Portable Fuel Containers And Spouts Manufactured On Or After August 1, 2010</b>				
5–45–160 .....	Applicability .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.

## EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
5–45–170 .....	Exemptions .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–180 .....	Definitions .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–190 .....	Standard for volatile organic compounds.	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–200 .....	Certification procedures .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–210 .....	Innovative products .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–220 .....	Administrative requirements .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–230 .....	Compliance .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–240 .....	Compliance schedules .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–250 .....	Test methods and procedures .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–260 .....	Monitoring .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–270 .....	Notification, records and reporting .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
<b>Article 3 Emission Standards For Consumer Products Manufactured Before August 1, 2010</b>				
5–45–280 .....	Applicability .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–290 .....	Exemptions .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–300 .....	Definitions .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–310 (Except sub-section B).	Standard for volatile organic compounds.	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–320 .....	Alternative control plan (ACP) for consumer products.	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–330 .....	Innovative products .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–340 .....	Administrative requirements .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–350 .....	Compliance .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–360 .....	Compliance schedules .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–370 .....	Test methods and procedures .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–380 .....	Monitoring .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–390 .....	Notification, records and reporting .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
<b>Article 4 Emission Standards For Consumer Products Manufactured On or After August 1, 2010</b>				
5–45–400 .....	Applicability .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–410 .....	Exemptions .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–420 .....	Definitions .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–430 (Except sub-section B).	Standard for volatile organic compounds.	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–440 .....	Alternative control plan (ACP) for consumer products.	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–450 .....	Innovative products .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–460 .....	Administrative requirements .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–470 .....	Compliance .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–480 .....	Compliance schedules .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.

## EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
5-45-490 .....	Test methods and procedures .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-500 .....	Monitoring .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-510 .....	Notification, records and reporting .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
<b>Article 5 Emission Standards For Architectural And Industrial Maintenance Coatings</b>				
5-45-520 .....	Applicability .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-530 .....	Exemptions .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-540 .....	Definitions .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-550 .....	Standard for volatile organic compounds.	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-560 .....	Administrative requirements .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-570 .....	Compliance .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-580 .....	Compliance schedules .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-590 .....	Test methods and procedures .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-600 .....	Monitoring .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-610 .....	Notification, records and reporting .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
<b>Article 6 Emission Standards For Adhesives And Sealants</b>				
5-45-620 .....	Applicability .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-630 .....	Exemptions .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-640 .....	Definitions .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-650 .....	Standard for volatile organic compounds.	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-660 .....	Control technology guidelines .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-670 .....	Standard for visible emissions .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-680 .....	Administrative requirements .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-690 .....	Compliance .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-700 .....	Compliance schedules .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-710 .....	Test methods and procedures .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-720 .....	Monitoring .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-730 .....	Notification, records and reporting .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-740 .....	Registration .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-750 .....	Facility and control equipment maintenance or malfunction.	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
<b>Article 7 Emission Standards For Asphalt Paving Operations</b>				
5-45-760 .....	Applicability .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-770 .....	Definitions .....	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.
5-45-780 .....	Standard for volatile organic compounds.	3/17/10	1/26/2012 [Insert page number where the document begins].	Added.

## EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
5–45–790 .....	Standard for visible emissions .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–800 .....	Standard for fugitive dust/emissions ....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–820 .....	Compliance .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–830 .....	Test methods and procedures .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–840 .....	Monitoring .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
5–45–850 .....	Notification, records and ..... reporting .....	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added.
*	*	*	*	*

\* \* \* \* \*

(e) \* \* \*

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* * * * *				
Documents Incorporated by Reference (9 VAC 5–20–21, Sections E.1.a.(2), (16)–(19), E.2.a.(3), E.2.b., E.4.a.(23)–(27), E.11.a.(4)–(6), E.12.a.(3), (5) and (9)–(11)).	Northern Virginia and Fredericksburg VOC Emissions Control Areas.	3/17/10	1/26/2012 [ <i>Insert page number where the document begins</i> ].	Added section.

[FR Doc. 2012–1339 Filed 1–25–12; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R06–OAR–2008–0637; FRL–9622–5]

#### Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Infrastructure Requirements for 1997 8-Hour Ozone and the 1997 and 2006 PM<sub>2.5</sub> NAAQS

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving submittals from the State of Oklahoma pursuant to the Clean Air Act (CAA or the Act) that address the infrastructure elements specified in the CAA, necessary to implement, maintain, and enforce the 1997 8-hour ozone and the 1997 and 2006 fine particulate matter (PM<sub>2.5</sub>) national ambient air quality standards (NAAQS or standards). This action is being taken under the CAA.

**DATES:** This final rule is effective on February 27, 2012.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA–R06–OAR–2008–0637. All documents in the docket are listed at [www.regulations.gov](http://www.regulations.gov). Although listed in the index, some information is not publicly available, e.g., Confidential Business Information 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 through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 Freedom of Information Act (FOIA) Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at (214) 665–7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will

be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The state submittal is also available for public inspection during official business hours, by appointment, at the Oklahoma Department of Environmental Quality, 707 North Robinson, P.O. Box 1677, Oklahoma City, Oklahoma 73101–1677.

**FOR FURTHER INFORMATION CONTACT:** Terry Johnson, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone (214) 665–2154; fax number (214) 665–7263; email address: [johnson.terry@epa.gov](mailto:johnson.terry@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document wherever “we,” “us,” or “our” is used, we mean the EPA.

I. Background  
II. Final Action  
III. Statutory and Executive Order Reviews

#### I. Background

The background for today’s action is discussed in detail in our November 16, 2011, proposal (76 FR 70940). In that