

regulation, 18 by adding RACT standards for VOC emissions from digital imaging operations throughout the state. The same limits for screen printing from the previous screen printing regulation were retained (62 FR 53544, October 15, 1997). The February 12, 1999, submittal also revised Maryland's screen printing regulations to eliminate expired interim dates and limits, and repealed the existing sections B–I, and added new sections B–G. A definition for the term “digital imaging” was also added to the rule. This regulation was adopted by MDE on August 4, 1998, and became effective on August 24, 1998. EPA approved MDE's revision to its screen printing and digital imaging regulation on June 17, 1999 (64 FR 32415).

II. Summary of SIP Revision

On June 21, 2002, MDE submitted a formal revision to its SIP revising COMAR 26.11.19.18, Control of Volatile Organic Compound Emissions from Screen Printing and Digital Imaging, section C, General Requirements for Screen Printing. This revision establishes a VOC limit for overprint varnish. Overprint varnish is a FDA-regulated coating that is used by the cosmetic industry to prevent lipstick from adhering to the plastic film on sample cards sold to retail stores. Specifically, this SIP revision establishes a maximum VOC content, as applied, for overprint varnish on any substrate, of 6.03 pounds of VOC per gallon. All of the previous limits in Maryland's existing screen printing regulation have been retained. As a result, COMAR 26.11.19.18C(1)(a)–(c) has been renumbered as COMAR 26.11.19.18C(1)(b)–(d) to reflect the addition of the new requirement. This SIP revision also amends the definitions section of this rule, COMAR 26.11.19.18A, by adding a definition for the term “Overprint varnish” at COMAR 26.11.19.18A(10–1), and revising the current definition of “Clear coating” at COMAR 26.11.19.18A(4)(a) and (b) for clarification purposes.

The CAA requires each revision to a state implementation plan to be reviewed to make sure that the revision does not interfere with any applicable requirements concerning reasonable further progress (ROP) and attainment. Currently, there is one source, the Color Prelude Company, located in Anne Arundel County, Maryland, that will be affected by this revision. Growth projections for emissions from this category have been accounted for in the Maryland ROP and attainment demonstration. EPA has concluded that this regulation will not negatively

impact any ROP or attainment demonstration of the ozone national ambient air quality standard (NAAQS) previously submitted by the State of Maryland, and is therefore approvable as a revision to the Maryland SIP.

III. Final Action

EPA is approving a revision to the State of Maryland SIP which was submitted on June 21, 2002, by the Maryland Department of the Environment (MDE) establishing a state-wide VOC limit to control emissions from an overprint varnish that is used in the cosmetic industry, and adds and revises definitions for terms used in the regulation. All previously approved screen printing and digital imaging requirements have been retained.

EPA is publishing this rule without prior proposal because the Agency 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 March 17, 2003, without further notice unless EPA receives adverse comment by February 14, 2003. 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. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule 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.

IV. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the

Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have federalism implications because it does 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).